

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00035-EGS-4

Case title: USA v. SABOL et al

Date Filed: 01/29/2021

Magistrate judge case number: 1:21-mj-00233-RMM

Assigned to: Judge Emmet G. Sullivan

Defendant (4)**CLAYTON RAY MULLINS**

represented by **Pat Munroe Woodward, Jr.**
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Pending Counts

18:111(a)(1) and (b), and 2; ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
and Inflicting Bodily Injury and Aiding and Abetting
(3)

18:111(a)(1) and (b), and 2; ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
Inflicting Bodily Injury and Aiding and Abetting
(3s)

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

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

18:231(a)(3); CIVIL DISORDER; Civil Disorder
(7-8)

18:231(a)(3); CIVIL DISORDER; Civil Disorder
(8s-9s)

18:111(a)(1) and (b), and 2; ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Inflicting Bodily Injury on Certain Officers and Aiding
and Abetting
(9ss)

18:111(a)(1); ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
(11ss)

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and
Remaining in a Restricted Building or Grounds
(13)

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly
and Disruptive Conduct in a Restricted Building or Grounds
(14)

18:231(a)(3); CIVIL DISORDER; Civil Disorder
(14ss)

18:1752(a)(4); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in
Physical Violence in a Restricted Building or Grounds
(15)

40:5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Act of Physical Violence in the Capitol Grounds or
Buildings
(16)

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and
Remaining in a Restricted Building or Grounds
(19s)

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly
and Disruptive Conduct in a Restricted Building or Grounds
(20s)

18:1752(a)(4); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in
Physical Violence in a Restricted Building or Grounds
(21s)

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and
Remaining in a Restricted Building or Grounds
(21ss)

40:5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Act of Physical Violence in the Capitol Grounds or
Buildings
(22s)

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly
and Disruptive Conduct in a Restricted Building or Grounds
(22ss)

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

Disposition

Physical Violence in a Restricted Building or Grounds
(23ss)

40:5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Act of Physical Violence in the Capitol Grounds or
Buildings
(24ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:111(a)(1), 18:231(a)(3), 18:1752(a)(1),
18:1752(a)(2), 18:1752(a)(4) and 40:5104(e)(2)(F)

Disposition

Disposition

Interested Party

PRESS COALITION

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Date Filed	#	Docket Text
02/13/2021	1	COMPLAINT as to CLAYTON RAY MULLINS (1). (Attachments: # 1 Statement of Facts) (zstd) Modified on 2/24/2021 (zhjsj). [1:21-mj-00233-RMM] (Entered: 02/15/2021)
02/13/2021	3	MOTION to Seal Case by USA as to CLAYTON RAY MULLINS. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00233-RMM] (Entered: 02/15/2021)
02/13/2021	4	ORDER granting 3 Motion to Seal Case as to CLAYTON RAY MULLINS (1). Signed by Magistrate Judge Robin M. Meriweather on 02/13/2021. (zstd) [1:21-mj-00233-RMM] (Entered: 02/15/2021)
02/23/2021		Case unsealed as to CLAYTON RAY MULLINS (bb) [1:21-mj-00233-RMM] (Entered: 02/24/2021)
02/23/2021	13	Arrest Warrant Returned Executed on 02/23/2021 in Mayfield, KY as to CLAYTON RAY MULLINS. (zstd) [1:21-mj-00233-RMM] (Entered: 03/14/2021)
02/26/2021	5	NOTICE OF ATTORNEY APPEARANCE: Pat Munroe Woodward, Jr appearing for CLAYTON RAY MULLINS (Woodward, Pat) [1:21-mj-00233-RMM] (Entered: 02/26/2021)
03/01/2021	6	Emergency MOTION to Stay <i>and for Review and Appeal of Release Order</i> by USA as to CLAYTON RAY MULLINS. (Kukowski, Colleen) [1:21-mj-00233-RMM] (Entered: 03/01/2021)
03/01/2021	7	MOTION to Transport by USA as to CLAYTON RAY MULLINS. (Attachments: # 1 Text of Proposed Order)(Kukowski, Colleen) Modified event on 3/8/2021 (zstd). [1:21-mj-00233-RMM] (Entered: 03/01/2021)
03/01/2021	8	RESPONSE by CLAYTON RAY MULLINS re 7 MOTION to Transport , 6 Emergency MOTION to Stay <i>and for Review and Appeal of Release Order</i> (Woodward, Pat) [1:21-mj-00233-RMM] (Entered: 03/01/2021)
03/01/2021	9	ORDER, as to CLAYTON RAY MULLINS, GRANTING the government's 6 Motion for Emergency Stay. Signed by Chief Judge Beryl A. Howell on March 1, 2021. (lcbah3) [1:21-mj-00233-RMM] (Entered: 03/01/2021)
03/01/2021		MINUTE ORDER (paperless), as to CLAYTON RAY MULLINS, DENYING the government's 7 Motion for Transport Order. The parties are DIRECTED to appear for a hearing on the government's 6 Motion for Review and Appeal of Release Order on March 2, 2021 at 1:00 p.m. before Chief Judge Beryl A. Howell via videoconference. Video connection details will be provided by the deputy clerk. Signed by Chief Judge Beryl A. Howell on March 1, 2021. (lcbah3) [1:21-mj-00233-RMM] (Entered: 03/01/2021)
03/01/2021		Set/Reset Hearings as to CLAYTON RAY MULLINS: Motion and Appeal Hearing scheduled for 3/2/2021, at 1:00 PM before Chief Judge Beryl A. Howell. (ztg) [1:21-mj-00233-RMM] (Entered: 03/01/2021)
03/01/2021	12	MOTION to Review and Appeal of Release Order by USA as to CLAYTON RAY MULLINS. (See Docket entry 6 to view document). (zstd) [1:21-mj-00233-RMM] (Entered: 03/08/2021)
03/02/2021	10	SUPPLEMENTAL MEMORANDUM in Support of Pretrial Detention by USA as to CLAYTON RAY MULLINS (Kukowski, Colleen) Modified event title on 3/9/2021 (znmw). [1:21-mj-00233-RMM] (Entered: 03/02/2021)
03/02/2021		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing as to CLAYTON RAY MULLINS held via videoconference on 3/2/2021. The Defendant agreed to participate via videoconference after consultation with counsel. Government's motion for Review and Appeal of Release Order, heard and DENIED. Magistrate's Release Order AFFIRMED. Defendant released on personal recognizance bond with a condition of home detention, he will be supervised by Western District of Kentucky/Paducah. The \$100,000.00 bond imposed by the Court in Kentucky will not be imposed by this Court. Bond Status of Defendant: personal recognizance with home detention condition/release issued. Present via videoconference: Defense Attorney: Pat M. Woodward Jr.; US Attorney: Colleen D. Kukowski; Pretrial Officer: Andre Sidbury. Court Reporter: Elizabeth Saint-Loth. (ztg) Modified on 3/2/2021 (ztg). [1:21-mj-00233-RMM] (Entered: 03/02/2021)
03/02/2021	11	ORDER Setting Conditions of Release with Global Positioning System Monitoring. Signed by Chief Judge Beryl A. Howell on 3/2/2021. (Attachments: # 1 Appearance Bond) (ztg) [1:21-mj-00233-RMM] (Entered: 03/02/2021)
03/12/2021	23	Superseding Indictment filed by USA as to JEFFREY P. SABOL (1) count(s) 2s, 5s, 7s-8s, 10s, 11s, 12s, 16s , PETER FRANCIS STAGER (2) count(s) 1s, 2s, 8s, 10s, 11s, 12s, 16s , MICHAEL JOHN LOPATIC, SR (3) count(s) 6s, 8s-9s, 13s, 14s, 15s, 16s , CLAYTON RAY MULLINS (4) count(s) 3, 4, 7-8, 13, 14, 15, 16 , JACK WADE WHITTON (5) count(s) 2, 5, 7-8, 10, 11, 12, 16 .(zstd) Modified counts on 4/5/2021 (zstd). Modified Text on 5/5/2021 (zhjsj). (Entered: 03/15/2021)
03/12/2021		Counts added: CLAYTON RAY MULLINS (4) count(s) 3, 4, 7-8, 10, 13, 14, 15, 16 (zstd) (Entered: 04/05/2021)
03/16/2021	32	Rule 5(c)(3) Documents Received as to CLAYTON RAY MULLINS from US District Court Western District of Kentucky Paducah Division Case Number 5:21-mj-15-LLK (bb) (Entered: 04/01/2021)
03/22/2021		MINUTE ORDER as to PETER FRANCIS STAGER (2) and CLAYTON RAY MULLINS (4). The Court hereby schedules an initial status conference for March 24, 2021 at 2:00 PM via VIDEO TELECONFERENCE. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 3/22/21. (mac) (Entered: 03/22/2021)
03/24/2021		Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference as to CLAYTON RAY MULLINS (04) held on 3/24/2021. Status Conference set for 5/5/2021 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Speedy Trial Tolled 3/24/21 - 5/5/21 In The Interest Of Justice (XT) Bond Status of Defendant: APPEARED VIA VTC; REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: PAT WOODWARD; US Attorney: COLLEEN KUKOWSKI; (mac) (Entered: 03/24/2021)
04/05/2021	37	ORDER granting 35 Motion to Stay as to JACK WADE WHITTON (5). Signed by Judge Emmet G. Sullivan on 4/5/2021. (lcegs1) (Entered: 04/05/2021)
04/13/2021	51	MOTION to Continue <i>and Exclude Time Under the Speedy Trial Act</i> by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON. (Kukowski, Colleen) (Entered: 04/13/2021)
04/13/2021	54	MOTION to Exclude Time Under the Speedy Trial Act by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON. (See docket entry 51 to view document). (zstd) (Entered: 04/14/2021)
04/26/2021	63	STANDING ORDER as to ALL DEFENDANTS requiring the government to produce any evidence in its possession that is favorable to the defendant and material to either the defendant's guilt or punishment. Signed by Judge Emmet G. Sullivan on 04/26/21. (mac) (Entered: 04/26/2021)
04/27/2021	66	Consent MOTION to Modify Conditions of Release by CLAYTON RAY MULLINS as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON. (Attachments: # 1 Text of Proposed Order)(Woodward, Pat) Modified on 4/29/2021 (zstd). (Entered: 04/27/2021)
04/27/2021	67	Unopposed MOTION for Protective Order by USA as to CLAYTON RAY MULLINS. (Attachments: # 1 Text of Proposed Order)(Kukowski, Colleen) (Entered: 04/27/2021)
04/27/2021		MINUTE ORDER as to CLAYTON RAY MULLINS (4) granting 67 Unopposed Motion for Protective Order. The terms of [67-1] Protective Order Governing Discovery are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 4/27/2021. (lcegs2) (Entered: 04/27/2021)
04/27/2021		MINUTE ORDER as to CLAYTON RAY MULLINS (4) granting 66 Consent Motion to Modify Conditions of Release. It is hereby ORDERED that Mr. Mullins is permitted to travel beyond the Western District of Kentucky for employment purposes as approved by the Pretrial Services Office Paducah Division. All other conditions of release unmodified by this Order shall remain in full force and effect. Signed by Judge Emmet G. Sullivan on 4/27/2021. (lcegs2) (Entered: 04/27/2021)
04/27/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON re 66 Consent MOTION to Modify Conditions of Release was entered in error and counsel was instructed to refile said pleading. The motion was linked to the wrong defendants, only needs to be linked to the defendant the motion pertains (zstd) (Entered: 04/29/2021)
05/04/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON re 70 Pretrial Compliance Report, was entered in error and counsel refiled said pleading. The correct document is filed at DE # 71 (zstd) Modified on 5/4/2021 (zstd). (Entered: 05/04/2021)
05/05/2021	72	NOTICE OF ATTORNEY APPEARANCE Benet Kearney appearing for USA. (Kearney, Benet) (Entered: 05/05/2021)
05/05/2021		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan: Status Conference as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), and JACK WADE WHITTON (05) held on 5/5/2021. Oral Request For Control Date To Issuing Subpoenas by JEFFREY P. SABOL (01) Heard. The Court Will Issue An Order In Regards To 54 Motion to Exclude Time Under the Speedy Trial Act by USA. Status Conference set for 7/7/2021 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC; #1, #2, #5 - REMAINS COMMITTED; #3, #4 - REMAINS IN HIGH INTENSITY SUPERVISION PROGRAM; Court Reporter: LISA BANKINS; Defense Attorney: #1. JON NORRIS; #2. DAVID BENOWITZ; #3. DENNIS BOYLE; #4.

		IN HIGH INTENSITY SUPERVISION PROGRAM; Court Reporter: LISA BANKINS; Defense Attorney: PAT WOODWARD; #5 - BENJAMIN ALPER; US Attorney: COLLEEN KUKOWSKI/BENET KEARNEY; (mac) (Entered: 05/05/2021)
05/05/2021		Minute Entry for proceedings held before Judge Emmet G. Sullivan:Arraignment as to CLAYTON RAY MULLINS (4) on Count 3,4,7-8,13,14,15,16 held on 5/5/2021. Plea Of Not Guilty entered by CLAYTON RAY MULLINS (4) as to Count 3,4,7-8,10,13,14,15,16. Bond Status of Defendant: APPEARED VIA VTC; REMAINS IN HIGH INTENSITY SUPERVISION PROGRAM; Court Reporter: LISA BANKINS; Defense Attorney: PAT WOODWARD; US Attorney: COLLEEN KUKOWSKI/BENET KEARNEY; (mac) (Entered: 05/05/2021)
05/06/2021		MINUTE ORDER as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON. Due to the Court's calendar, it is necessary to reschedule the status conference currently scheduled for July 7, 2021. The Court hereby reschedules the status conference for July 21, 2021 at 1:00 PM via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 5/6/2021. (lcegs2) (Entered: 05/06/2021)
05/06/2021		MINUTE ORDER as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC SR. (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5) granting <u>51</u> Motion to Continue and Exclude Time Under the Speedy Trial Act and 54 Motion to Exclude Time from Speedy Trial Calculation. The time period from May 5, 2021 through July 21, 2021 shall be excluded in this case for purposes of any computation under the Speedy Trial Act, 18 U.S.C. § 3161. For the reasons set forth by the government in its motion and at the May 5, 2021 status conference, the Court finds that the exclusion of time under the Speedy Trial Act best serves the interests and ends of justice; and outweighs the interests of the public in a speedy trial. Signed by Judge Emmet G. Sullivan on 5/6/2021. (lcegs2) (Entered: 05/06/2021)
05/11/2021		MINUTE ORDER as to PETER FRANCIS STAGER (02) granting 73 Unopposed Motion for Protective Order. The terms presented in [73-1] the Protective Order Governing Discovery are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 5/11/2021. (lcegs2) (Entered: 05/11/2021)
05/11/2021		MINUTE ORDER as to MICHAEL JOHN LOPATIC SR.(03) granting 74 Unopposed Motion for Protective Order. The terms presented in [74-1] the Protective Order Governing Discovery are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 5/11/2021. (lcegs2) (Entered: 05/11/2021)
05/13/2021	<u>75</u>	NOTICE of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON (Attachments: # <u>1</u> Notice to Counsel/Party Discovery Letter 1)(Kukowski, Colleen) (Entered: 05/13/2021)
05/31/2021	<u>76</u>	NOTICE of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON (Attachments: # <u>1</u> Notice to Counsel/Party)(Kukowski, Colleen) (Entered: 05/31/2021)
06/07/2021	<u>77</u>	MOTION to Modify Conditions of Release by CLAYTON RAY MULLINS. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Text of Proposed Order) (Woodward, Pat) (Entered: 06/07/2021)
06/23/2021		MINUTE ORDER as to CLAYTON RAY MULLINS (04). In view of <u>77</u> Mr. Mullins's Motion to Modify Conditions of Release, the government shall file a response by no later than June 28, 2021. Signed by Judge Emmet G. Sullivan on 6/23/2021. (lcegs2) (Entered: 06/23/2021)
06/24/2021		Set/Reset Deadlines as to CLAYTON RAY MULLINS (04): Government Response due by 6/28/2021. (mac) (Entered: 06/24/2021)
06/28/2021	<u>79</u>	Memorandum in Opposition by USA as to CLAYTON RAY MULLINS re <u>77</u> MOTION to Modify Conditions of Release (Kukowski, Colleen) (Entered: 06/28/2021)
06/29/2021	<u>80</u>	REPLY TO OPPOSITION to Motion by CLAYTON RAY MULLINS re <u>77</u> MOTION to Modify Conditions of Release (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Woodward, Pat) (Entered: 06/29/2021)
07/08/2021		<p>MINUTE ORDER denying <u>77</u> Motion to Modify Conditions of Release as to CLAYTON RAY MULLINS (4).</p> <p>Mr. Mullins is charged with the following offenses arising from his participation in the January 6, 2021 events at the U.S. Capitol: (1) Assaulting, Resisting, or Impeding Certain Officers and Inflicting Bodily Injury and Aiding and Abetting, in violation of 18 U.S.C. 111(a)(1) and (b) and 2; (2) Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. 111(a)(1); (3) two counts of Civil Disorder, in violation of 18 U.S.C. 231(a)(3); (4) Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. 1752(a)(1); (5) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. 1752(a)(2); (6) Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. 1752(a)(4); and (7) Act of Physical Violence in the Capitol Grounds or Buildings, in violation of 40 U.S.C. 5104(e)(2)(F). See Superseding Indictment, ECF No. 23. Mr. Mullins is alleged to have participated in the assault of a Washington, D.C. Metropolitan Police Department ("MPD") officer in the area of the U.S. Capitol lower western terrace on January 6. See United States v. Mullins, 21-mj-233-RMM, Statement of Offense, ECF No. 1-1 at 2-5. The government has proffered video footage and photographs to show that Mr. Mullins grabbed the officer, who had been forced into a prone position on the ground at the lower western terrace tunnel entrance, and forcefully pulled him down the U.S. Capitol stairs into a mob of rioters. Id. at 3-5. The government alleges that after Mr. Mullins successfully dragged the officer into the crowd, the officer was stripped of his helmet, baton, and gas mask, and he was kicked, struck with poles, and stomped on. Id. at 2. The officer was bleeding from the head and later taken to the hospital and treated for a laceration that required staples to close. Id.</p> <p>On March 2, 2021, after holding a hearing on the government's motion for review and revocation of a Western District of Kentucky Magistrate Judge's order releasing Mr. Mullins pending trial, Chief Judge Howell ordered the pretrial release of Mr. Mullins subject to the combination of conditions that the Chief Judge determined will reasonably assure the appearance of Mr. Mullins as required and the safety of any other person and the community. See United States v. Mullins, 21-mj-233-RMM, Order Setting Conditions of Release, ECF No. 11; see also 18 U.S.C. § 3142(c). Those conditions include, among other standard conditions, that Mr. Mullins be subject to home detention (which permits him to leave his residence for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer) and electronic location monitoring. See United States v. Mullins, 21-mj-233-RMM, Order Setting Conditions of Release, ECF No. 11 at 2. As the government correctly points out, these conditions "allow him to care for himself and support his family through his employment," see Gov't's Opp'n, ECF No. 79 at 3; and indeed, this Court recently granted Mr. Mullins's unopposed request for permission to travel beyond the Western District of Kentucky for employment purposes, see ECF No. 66. Now, Mr. Mullins asks the Court to remove him from home detention (and not require him to participate in the lesser location restriction, the curfew program) and to remove him from electronic location monitoring. See Def.'s Mot., ECF No. 77 at 1. The government opposes this request. Gov't's Opp'n, ECF No. 79.</p> <p>The Court is permitted to amend the order setting Mr. Mullins's conditions of release to impose additional or different conditions, but the Court must ensure that the conditions imposed are the least restrictive conditions that will reasonably assure his appearance as required and the safety of any other person and the community. 18 U.S.C. § 3142(c)(1)(B), (c)(3). The Court acknowledges that Mr. Mullins has thus far been compliant with his conditions of release. See Def.'s Mot., ECF No. 77 at 1. The Court also acknowledges that 72 friends and family members have submitted letters to the Court reflecting their support for Mr. Mullins and their belief that he is honest and reliable. See Attachs. to Def.'s Mot., ECF Nos. 77-2 to 77-4; Attachs. to Def.'s Reply, ECF Nos. 80-2 to 80-4. "But compliance—even model compliance—with the Court's requirements is not enough to warrant adjustment of [Mr. Mullins's] pretrial release conditions." United States v. Henry, 314 F. Supp. 3d 130, 133. Compliance is expected. "Only if there has been a development in [Mr. Mullins's] situation that would affect the Court's assessment of the 'least restrictive' conditions of release that 'will reasonably assure [his appearance and] the safety of any other person and the community,' 18 U.S.C. § 3142(c), could [he] be entitled to the adjustment that [he] requests." Id.</p> <p>Neither Mr. Mullins's compliance with his current pretrial release conditions nor the attestations of good character offered by his friends and family constitutes a development in his situation that affects the Court's agreement with the Chief Judge's previous assessment of the appropriate conditions of release for Mr. Mullins. As was true when the Chief Judge ordered Mr. Mullins released pretrial, home detention and electronic location monitoring are, in combination with other standard release conditions, the least restrictive conditions required to reasonably assure his appearance and the safety of others and the community. Mr. Mullins is charged with serious felony and misdemeanor offenses, including assaulting and inflicting bodily harm on a federal officer tasked with protecting the U.S. Capitol, the Vice President of the United States, the U.S. Congress, and their staffs while the U.S. Congress "was convened at the seat of our nations democracy" to carry out the "solemn process of certifying a presidential election." See United States v. Cua, No. 21-107-RDM, 2021 WL 918255, at *3 (D.D.C. Mar. 10, 2021). The government has presented compelling evidence that Mr. Mullins enabled a chilling attack on an MPD officer, which the government has contended is among "the most violent assaults on law enforcement that occurred" that day. See United States v. Whitton, -- F. Supp. 3d --, 2021 WL 1546931, at *4 (Apr. 20, 2021). Such conduct reflects a clear disregard for the lives of law enforcement officers, the rule of law, and the essential functions of our government. Indeed, "[i]t cannot be gainsaid that the violent breach of the [U.S.] Capitol on January 6 was a grave danger to our democracy, and that those who participated could rightly be subject to detention to safeguard the community." United States v. Munchel, 991 F.3d 1273, 1284-85 (D.C. Cir. 2021). Although the Chief Judge did not order that Mr. Mullins be detained, pretrial release conditions remain appropriate to address concerns regarding the potential danger Mr. Mullins continues to pose to the community as he awaits trial. Cf. United States v. Hale-Cusanelli, No. 21-3029, Mem. Op. at 12 (D.C. Cir. July 7, 2021) (explaining that persons who participated in the violence on January 6 may be deemed a danger to the community by posing a threat of committing violence in the future or by posing a threat of corrupting a union). The Court finds that there have been no developments in Mr. Mullins's situation that alleviate the Court's concerns such that removing him from location restrictions and electronic location monitoring would be warranted. This conclusion is consistent with the Court's pretrial detention decisions as to Mr. Mullins's codefendants: three codefendants are currently detained pending trial, see Mem. Op., ECF No. 56 (Jeffrey P. Sabol); Mem. Op., ECF No. 60 (Jack Wade Whitton), Order of Detention, 4:21-mj-12-JTK, ECF No. 9 (E.D. Ark. Jan. 22, 2021) (Peter Francis Stager); and the fourth is, like Mr. Mullins, on pretrial release subject to home detention and electronic location monitoring, see Order Setting Conditions of Release, ECF No. 65 (Michael John Lopatic, Sr.).</p> <p>Accordingly, upon consideration of Mr. Mullins's motion, the government's opposition, and Mr. Mullins's reply thereto, the applicable law, and the entire record herein, Mr. Mullins's request to modify his conditions of release is DENIED. Signed by Judge Emmet G. Sullivan on 7/8/2021. (lcegs2) (Entered: 07/08/2021)</p>
07/12/2021	<u>85</u>	NOTICE of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON (Attachments: # <u>1</u> Notice to Counsel/Party Discovery Letter)(Kukowski, Colleen) (Entered: 07/12/2021)
07/19/2021	<u>86</u>	NOTICE of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON (Attachments: # <u>1</u> Notice to Counsel/Party)(Kukowski, Colleen) (Entered: 07/19/2021)
07/20/2021	<u>89</u>	NOTICE of Memorandum Regarding Status of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY

		MULLINS, JACK WADE WHITTON (Attachments: # 1 Exhibit)(Kukowski, Colleen) (Entered: 07/20/2021)
07/21/2021		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan: Status Conference as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05) held on 7/21/2021. No Objections From All Parties For This Proceeding To Be Held Via VTC. Parties Updated The Court On The Status Of This Matter. The Court Will Grant Defendant JEFFREY P. SABOL (01) Oral Request To File Bond Motion. Status Conference set for 9/23/2021 at 1:30 PM in Telephonic/VTC before Judge Emmet G. Sullivan. With No Objections From All Parties, Speedy Trial Told 7/21/21 - 09/23/21 In The Interest Of Justice (XT) As To All Defendants. Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC: #1, #2, #5 - REMAINS COMMITTED; #3, #4 - REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: #1 - ALEX CIROCCO, #2 - MATTHEW WILSON, #3 - DENNIS BOYLE, #4 - PAT WOODWARD, #5 - BENJAMIN ALPER; US Attorney: COLLEEN KUKOWSKI/ BENET KEARNEY; (mac) (Entered: 07/23/2021)
07/27/2021	91	MOTION for Order to Disclose Items Protected by Rule 6(e) and Sealed Materials by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON. (Attachments: # 1 Text of Proposed Order)(Kukowski, Colleen) Modified event on 7/28/2021 (zstd). (Entered: 07/27/2021)
07/29/2021		MINUTE ORDER as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC SR. (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5) granting 91 Motion for Order to Disclose Items Protected by Rule 6(e) and Sealed Materials. It is hereby ORDERED that the United States may provide in discovery materials protected by Federal Rule of Criminal Procedure 6(e). It is FURTHER ORDERED that the United States may provide in discovery sealed materials, pursuant to the previously entered protective order governing discovery. It is FURTHER ORDERED that this Order also applies to the disclosure of materials described above to any co-defendants who may later be joined. Signed by Judge Emmet G. Sullivan on 7/29/2021. (lcegs2) (Entered: 07/29/2021)
08/04/2021	92	SEALED SUPERSEDING INDICTMENT as to JEFFREY P. SABOL (1) count(s) 1ss, 2ss, 5ss, 6ss, 8ss-9ss, 13ss-14ss, 15ss, 16ss, 17ss, 18ss, 22ss, PETER FRANCIS STAGER (2) count(s) 1ss, 2ss, 9ss, 16ss, 17ss, 18ss, 22ss, MICHAEL JOHN LOPATIC, SR (3) count(s) 1ss, 7ss, 9ss-10ss, 11ss, 19ss, 20ss, 21ss, 22ss, CLAYTON RAY MULLINS (4) count(s) 3s, 4s, 8s-9s, 19s, 20s, 21s, 22s, JACK WADE WHITTON (5) count(s) 2s, 5s, 8s-9s, 12s, 16s, 17s, 18s, 22s, LOGAN JAMES BARNHART (6) count(s) 2, 9, 19, 20, 21, 22, RONALD COLTON MCABEE (7) count(s) 3, 7, 8, 10, 16, 17, 18, 22. (zstd) (Entered: 08/05/2021)
08/04/2021	94	MOTION to Seal Case by USA as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC, SR (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5), LOGAN JAMES BARNHART (6), RONALD COLTON MCABEE (7). (Attachments: # 1 Text of Proposed Order)(zstd) (Entered: 08/06/2021)
08/04/2021	95	ORDER granting 94 Motion to Seal Case as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC SR. (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5), LOGAN JAMES BARNHART (6), RONALD COLTON MCABEE (7). Signed by Magistrate Judge Robin M. Meriweather on 8/4/2021. (zstd) (Entered: 08/06/2021)
08/11/2021	97	NOTICE of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON (Attachments: # 1 Notice to Counsel/Party Discovery Letter)(Kukowski, Colleen) (Entered: 08/11/2021)
09/03/2021	107	NOTICE of Status of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE (Kukowski, Colleen) (Entered: 09/03/2021)
09/18/2021	120	NOTICE of Status of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE (Kukowski, Colleen) (Entered: 09/18/2021)
09/23/2021		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan: Status Conference as to PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05), LOGAN JAMES BARNHART (06), and RONALD COLTON MCABEE (07) held on 9/23/2021. Government Discussed The Current Posture Of The Case. Over Objection Of Defendant PETER STAGER (02) And With The Consent Of The Other Defendants, The Court Will Toll Speedy Trial Time 9/23/21 - 11/22/21 In The Interest Of Justice. Status Conference set for 11/22/2021 at 11:00 AM in Telephonic/VTC before Judge Emmet G. Sullivan as to PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05), LOGAN JAMES BARNHART (06), and RONALD COLTON MCABEE (07) Bond Status of Defendant: #2, #5, #7 - APPEARED VIA VTC - REMAINS COMMITTED; #3, #4, #6 - APPEARED VIA VTC - REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: JANICE DICKMAN; Defense Attorney: #2 - DAVID BENOWITZ/ RAMMY BARBERI/MATTHEW WILSON; #3 - DENNIS BOYLE; #4 - PAT WOODWARD; #5 - BENJAMIN ALPERT; #6 - CARA HALVERSON; #7 - SKIP GANT; US Attorney: BENET KEARNEY; (mac) (Entered: 09/24/2021)
10/02/2021		MINUTE ORDER as to JEFFREY P. SABOL (1), LOGAN JAMES BARNHART (6) granting 133 Unopposed Motion for Protective Order. The terms presented in [133-1] Protective Order Governing Discovery are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 10/2/2021. (lcegs2) (Entered: 10/02/2021)
10/21/2021	138	MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF OCTOBER 21, 2021 by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE (Kearney, Benet) Modified text on 10/22/2021 (zstd). (Entered: 10/21/2021)
10/26/2021	140	NOTICE OF ATTORNEY APPEARANCE Matthew Moeder appearing for USA. (Moeder, Matthew) (Entered: 10/26/2021)
11/08/2021	141	STATUS REPORT Regarding Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE (Kearney, Benet) (Entered: 11/08/2021)
11/17/2021	145	THIRD SUPERSEDING INDICTMENT as to JEFFREY P. SABOL (1) count(s) 1ssss, 2ssss, 3ssss, 4ssss, 5ssss-6ssss, 8ssss, 9ssss, 10ssss, 14ssss, 18ssss, 19ssss, 20ssss, 24ssss, PETER FRANCIS STAGER (2) count(s) 1ssss, 10ssss, 14ssss, 18ssss, 19ssss, 20ssss, 24ssss, MICHAEL JOHN LOPATIC, SR (3) count(s) 1ssss, 12ssss, 14ssss, 15ssss, 21ssss, 22ssss, 23ssss, 24ssss, CLAYTON RAY MULLINS (4) count(s) 9ss, 11ss, 14ss, 21ss, 22ss, 23ss, 24ss, JACK WADE WHITTON (5) count(s) 9ss, 10ss, 14ss, 16ss, 17ss, 18ss, 19ss, 20ss, 24ss, LOGAN JAMES BARNHART (6) count(s) 10s, 14s, 21s, 22s, 23s, 24s, RONALD COLTON MCABEE (7) count(s) 9s, 12s, 14s, 18s, 19s, 20s, 24s, MASON JOEL COURSON (8) count(s) 7, 10, 11, 14, 18, 19, 20, 24, JUSTIN JERSEY (9) count(s) 9, 13, 14, 18, 19, 20, 24. (zstd) (Entered: 11/18/2021)
11/17/2021	147	MOTION to Seal Case by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE, MASON JOEL COURSON, JUSTIN JERSEY. (Attachments: # 1 Text of Proposed Order)(zstd) (Entered: 11/18/2021)
11/17/2021	148	ORDER granting 147 Motion to Seal Case as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC SR. (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5), LOGAN JAMES BARNHART (6), RONALD COLTON MCABEE (7), MASON JOEL COURSON (8), JUSTIN JERSEY (9). Signed by Magistrate Judge Robin M. Meriweather on 11/17/2021. (zstd) (Entered: 11/18/2021)
11/22/2021		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan: Status Conference as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05), LOGAN JAMES BARNHART (06) and RONALD COLTON MCABEE (07) held on 11/22/2021. Government Discussed Discovery As It Related To The Defendants. Over The Objection Of Defendants PETER FRANCIS STAGER (02) and JACK WADE WHITTON, The Court Tolls Speedy Trial From 11/22/21 - 02/07/2022 In The Interest Of Justice (XT) as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05), LOGAN JAMES BARNHART (06), RONALD COLTON MCABEE (07). Status Conference set for 2/7/2022 at 1:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05), LOGAN JAMES BARNHART (06), RONALD COLTON MCABEE (07). Bond Status of Defendant: #1, #2, #5, #7 - APPEARED VIA VTC/REMAINS COMMITTED; #3, #4, #6 - APPEARED VIA VTC/REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: #1 - ALEX CIROCCO, #2 - DAVID BENOWITZ/ RAMMY BARBERI/MATTHEW WILSON; #3 - DENNIS BOYLE; #4 - PAT WOODWARD; #5 - JOHN KIYONAGA; #6 - CARA HALVERSON; #7 - JOHN PIERCE; US Attorney: BENET KEARNEY/ COLLEEN KUKOWSKI/MATTHEW MOEDER; (mac) (Entered: 11/22/2021)
12/02/2021	152	MOTION to Docket Redacted Third Superseding Indictment by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE, MASON JOEL COURSON, JUSTIN JERSEY. (Attachments: # 1 Text of Proposed Order, # 2 Redacted Indictment)(zstd) (Entered: 12/02/2021)
12/02/2021	153	ORDER granting 152 Motion to Docket Redacted Indictment as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC SR. (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5), LOGAN JAMES BARNHART (6), RONALD COLTON MCABEE (7), MASON JOEL COURSON (8), JUSTIN JERSEY (9). Signed by Magistrate Judge Zia M. Faruqi on 12/2/2021. (zstd) (Entered: 12/02/2021)
12/02/2021	154	REDACTED INDICTMENT as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE, JUSTIN JERSEY. (zstd) Modified text on 12/7/2021 (bb). (Entered: 12/02/2021)
02/07/2022		Minute Entry for proceedings held before Judge Emmet G. Sullivan: Arraignment/Status Conference as to JEFFREY P. SABOL (1) PETER FRANCIS STAGER (2) MICHAEL JOHN LOPATIC SR. (3) CLAYTON RAY MULLINS (4) JACK WADE WHITTON (5) LOGAN JAMES BARNHART (6) RONALD COLTON MCABEE (7) and JUSTIN JERSEY (9). All Defendants Consent To This Hearing Being Held Via VTC. Government Updated The Court On Discovery And Request Sixty (60) Day Continuance. Parties Discussed With The Court The Scheduling Of Next Status Conference and Jury Selection. The Court Sets Next Status Conference for 4/5/2022 at 12:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Over Objection Of Defendant (s) PETER STAGER (02), and JACK WHITTON (05), The Court Will Toll Speedy Trial Time From 2/7/22 - 4/5/22 In The Interest Of Justice (XT) As To All Defendants. Jury Selection tentatively set for 11/30/2022 at 9:00 AM in Ceremonial Courtroom before Judge Emmet G. Sullivan. All Defendants Plead Not Guilty To the 145 Third Superseding Indictment. The Court Will Grant Defendant MICHAEL LOPATIC (03) Of Curfew From 10:00pm - 6:00am. Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC: #1, #2, #5, #7, #9 - REMAIN COMMITTED; #3, #4, #6 - REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: #1 - ALEX CIROCCO, #2 - DAVID BENOWITZ/ RAMMY BARBERI, #3 - DENNIS BOYLE, #4 - PAT WOODWARD, #5 - JOHN KIYONAGA, #6 - CARA HALVERSON, #7 - JOHN PIERCE, #9 - ALFRED GUILLAUME; US Attorney: MATTHEW MOEDER, Pretrial Officer: MASHARIA HOLMAN; (mac) (Entered: 02/08/2022)

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