

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00445-CKK-1**

Case title: USA v. HERNANDEZ

Date Filed: 06/30/2021

Magistrate judge case number: 1:21-mj-00253-ZMF

Assigned to: Judge Colleen Kollar-Kotelly

Defendant (1)**ANDREW ALAN HERNANDEZ**

represented by **Samuel C. Moore**
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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)

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and
Remaining in a Restricted Building or Grounds.
(2)

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly
and Disruptive Conduct in a Restricted Building or Grounds.
(3)

40:5104(e)(2)(B); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Entering and Remaining in the Gallery of Congress.
(4)

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building.
(5)

40:5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol
Building.
(6)

Disposition**Highest Offense Level (Opening)**

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

COMPLAINT in Violation of 18:1512(c)(2), 18:1752(a)(1), 18:1752(a)(2),
40:5104(e)(2)(D) and 40:5104(e)(2)(G)

Disposition**Plaintiff**

USA

represented by **Diane G. Lucas**
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Date Filed	#	Docket Text
02/23/2021	<u>1</u>	SEALED COMPLAINT as to ANDREW ALAN HERNANDEZ (1). (Attachments: # <u>1</u> Statement of Facts) (zstd) [1:21-mj-00253-ZMF] (Entered: 02/23/2021)
02/23/2021	<u>2</u>	MOTION to Seal Case by USA as to ANDREW ALAN HERNANDEZ. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00253-ZMF] (Entered: 02/23/2021)
02/23/2021	<u>4</u>	ORDER granting <u>2</u> Motion to Seal Case as to ANDREW ALAN HERNANDEZ (1). Signed by Magistrate Judge Zia M. Faruqui on 02/23/2021. (zstd) [1:21-mj-00253-ZMF] (Entered: 02/23/2021)
02/25/2021		Case unsealed as to ANDREW ALAN HERNANDEZ (bb) [1:21-mj-00253-ZMF] (Entered: 02/26/2021)
02/25/2021		Arrest of ANDREW ALAN HERNANDEZ in US District Court for the Central District of California. (bb) [1:21-mj-00253-ZMF] (Entered: 03/30/2021)
02/25/2021	<u>8</u>	Arrest Warrant Returned Executed on 2/25/2021 as to ANDREW ALAN HERNANDEZ. (ztl) [1:21-mj-00253-ZMF] (Entered: 04/12/2021)
03/02/2021	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE: Sam Moore appearing for ANDREW ALAN HERNANDEZ (Moore, Sam) [1:21-mj-00253-ZMF] (Entered: 03/02/2021)
03/02/2021	<u>6</u>	Rule 5(c)(3) Documents Received as to ANDREW ALAN HERNANDEZ from US District Court for the Central District of California Case Number 5:21-mj-125- DUTY (bb) [1:21-mj-00253-ZMF] (Entered: 03/02/2021)

		00253-ZMF] (Entered: 03/30/2021)
03/04/2021		ORAL MOTION for Speedy Trial by USA as to ANDREW ALAN HERNANDEZ. (ztl) [1:21-mj-00253-ZMF] (Entered: 04/12/2021)
03/04/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to ANDREW ALAN HERNANDEZ held on 3/4/2021. Due Process Order given to the Government. Defendant present by video. Defendant waives his right to a Preliminary Hearing. Oral Motion by the Government for Speedy Trial as to ANDREW ALAN HERNANDEZ (1); heard and granted. Speedy Trial excluded from 3/4/2021 to 4/29/2021 in the Interest of Justice (XT). Status Hearing set for 4/29/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [1:54:31-2:01:52]; Defense Attorney: Sam Moore; US Attorney: Diane Lucas; Pretrial Officer: Masharia Holman. (ztl) [1:21-mj-00253-ZMF] (Entered: 04/12/2021)
03/04/2021	9	ORDER Setting Conditions of Release as to ANDREW ALAN HERNANDEZ (1) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqui on 3/4/2021. # 1 Appearance Bond (ztl) [1:21-mj-00253-ZMF] (Entered: 04/12/2021)
04/19/2021	10	Consent MOTION to Continue and to Exclude Time Under the Speedy Trial Act by USA as to ANDREW ALAN HERNANDEZ. (Attachments: # 1 Text of Proposed Order)(Lucas, Diane) [1:21-mj-00253-ZMF] (Entered: 04/19/2021)
04/19/2021	11	ORDER Consent MOTION to Continue and to Exclude Time Under the Speedy Trial Act by USA as to ANDREW ALAN HERNANDEZ (1). Time between 4/29/2021 and 6/25/2021 (57 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Status Hearing continued to 6/25/2021 at 01:00 PM in Telephonic/VTC before Magistrate Judge Zia M. Faruqui. Signed by Magistrate Judge G. Michael Harvey on 4/19/2021. (zpt) [1:21-mj-00253-ZMF] (Entered: 04/20/2021)
04/19/2021	12	MOTION to Exclude Time Under the Speedy Trial Act by USA as to ANDREW ALAN HERNANDEZ. (See Docket Entry 10 to view document). (bb) [1:21-mj-00253-ZMF] (Entered: 04/21/2021)
05/03/2021	13	Unopposed MOTION for Protective Order by USA as to ANDREW ALAN HERNANDEZ. (Attachments: # 1 Exhibit ATTACHMENT A, # 2 Text of Proposed Order)(Lucas, Diane) [1:21-mj-00253-ZMF] (Entered: 05/03/2021)
05/20/2021	15	PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to ANDREW ALAN HERNANDEZ (1). The parties' attention is directed to the edits that the Court has made to paragraph 4(d) of the Proposed Order. Signed by Magistrate Judge Robin M. Meriweather on 5/20/2021. (zpt) [1:21-mj-00253-ZMF] (Entered: 05/21/2021)
06/23/2021	16	Consent MOTION to Continue and to Exclude Time Under the Speedy Trial Act by USA as to ANDREW ALAN HERNANDEZ. (Attachments: # 1 Text of Proposed Order)(Lucas, Diane) [1:21-mj-00253-ZMF] (Entered: 06/23/2021)
06/23/2021	18	ORDER Granting 16 Consent MOTION to Continue and to Exclude Time Under the Speedy Trial Act by USA as to ANDREW ALAN HERNANDEZ (1). Time between 6/25/2021 and 7/7/2021 (12 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Status Hearing continued to 7/7/2021 at 01:00 PM in Telephonic/VTC before Magistrate Judge G Michael Harvey. Signed by Magistrate Judge Zia M. Faruqui on 6/23/2021. (zpt) [1:21-mj-00253-ZMF] (Entered: 06/24/2021)
06/30/2021	19	INDICTMENT as to ANDREW ALAN HERNANDEZ (1) count(s) 1, 2, 3, 4, 5, 6. (zhjs) (Entered: 06/30/2021)
07/06/2021		MINUTE ORDER as to ANDREW ALAN HERNANDEZ. The Court ORDERS that a status hearing shall be held in this matter on JULY 7, 2021 at 2:30pm by videoconference. Counsel will be provided with instructions for accessing the videoconference in advance of the hearing. Signed by Judge Colleen Kollar-Kotelly on 7/6/21. (lcckk3) (Entered: 07/06/2021)
07/06/2021	21	ORDER pursuant to the Due Process Protections Act confirming the disclosure obligation of the government under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such order under applicable law. Signed by Judge Colleen Kollar-Kotelly on 7/6/21. (lcckk3) (Entered: 07/06/2021)
07/07/2021		MINUTE ORDER: The Court held an arraignment and status hearing in this case on July 7, 2021. With consent, Defendant and his counsel, along with counsel for the government appeared via videoconference. During the status hearing, the Court arraigned Defendant on his 19 Indictment. The Court also discussed with the parties the status of discovery in this case. The parties agreed to return for another status hearing on SEPTEMBER 30, 2021 at 1:30 PM, to occur via videoconference with Defendant's consent. During the July 7, 2021 status hearing, the Court discussed Defendant's Speedy Trial rights. Defendant consented to a continuance of those rights between July 7, 2021 and the date of the next status hearing, September 30, 2021. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights through September 30, 2021, serves the "ends of justice" and outweighs the interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID-19 pandemic and because the continuance will provide Defendant with time to review the voluminous discovery in this case and consider potential plea negotiations. Taking into account this continuance, the 70-day deadline is DECEMBER 9, 2021 . The Court finds that the 90-day deadline is inapplicable, given that Defendant is not presently detained pending trial. Signed by Judge Colleen Kollar-Kotelly on July 7, 2021. (lcckk1) (Entered: 07/07/2021)
07/07/2021		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Arraignment as to ANDREW ALAN HERNANDEZ (1) as Counts 1,2,3,4,5,6 held on 7/7/2021. Plea of Not Guilty entered as to Counts 1,2,3,4,5,6. Speedy Trial (XT) is tolled in the Interest of Justice from 7/7/2021 to 9/30/2021. Status Conference set for 9/30/2021 at 1:30 PM via Zoom before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Farheena Siddiqui (standing in for Sam Moore); US Attorney: Diane G. Lucas. (dot) (Entered: 07/07/2021)
07/07/2021		Terminate Deadlines and Hearings as to ANDREW ALAN HERNANDEZ (1): Status Hearing set for 7/7/2021 at 01:00 PM in Telephonic/VTC before Magistrate Judge G Michael Harvey is hereby VACATED. (zpt) (Entered: 07/09/2021)

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