

APPEAL,CAP,CAT A,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00140-JDB-1**

Case title: USA v. BROCK

Magistrate judge case number: 1:21-mj-00023-GMH

Date Filed: 02/19/2021

Assigned to: Judge John D. Bates

Defendant (1)

LARRY RENDALL BROCK

represented by **Charles Burnham**
BURNHAM & GOROKHOV PLLC
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202-386-6920
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

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

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

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

Disposition

Oral motion by government to dismiss count; heard
and GRANTED.

Defendant sentenced to SIX (6) months on Count 1s
to run concurrently with Counts 2s, 3s, 4s, 5s and 6s.
No period of supervised release imposed. Special
Assesment of \$10.00.

Oral motion by government to dismiss count; heard
and GRANTED.

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

Defendant sentenced to TWELVE (12) months on Count 2s to run concurrently with Counts 1s, 3s, 4s,5s and 6s. TWELVE (12) months of Supervised to run concurrently with Counts 1s and 3s. Special Assesment of \$25.00.

18:1752(a)(3), 2; TEMPORARY RESIDENCE OF THE PRESIDENT; Impeding Ingress and Egress in a Restricted Building or Grounds and Aiding and Abetting
(3)

Oral motion by government to dismiss count; heard and GRANTED.

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

Defendant sentenced to TWELVE (12) months on Count 3s to run concurrently with Counts 1s, 2s, 4s, 5s and 6s. TWELVE (12) months of Supervised to run concurrently with Counts 1s and 2s. Special Assesment of \$25.00.

40:5104(e)(2)(A); FEDERAL STATUTES, OTHER; Entering and Remaining on the Floor of Congress
(4)

Oral motion by government to dismiss count; heard and GRANTED.

40:5104(e)(2)(A); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Entering and Remaining on the Floor of Congress.
(4s)

Defendant sentenced to SIX (6) months on Count 4s to run concurrently with Counts 1s, 2s, 3s, 5s and 6s. No period of supervised release imposed. Special Assesment of \$10.00.

40:5104(e)(2)(D); FEDERAL STATUTES, OTHER; Disorderly Conduct in a Capitol Building
(5)

Oral motion by government to dismiss count; heard and GRANTED.

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

Defendant sentenced to SIX (6) months on Count 5s to run concurrently with Counts 1s, 2s, 3s, 4s and 6s. No period of supervised release imposed. Special Assesment of \$10.00.

40:5104(e)(2)(E), 2; FEDERAL STATUTES, OTHER; Impeding Passage Through the Capitol Grounds or Buildings and Aiding and Abetting
(6)

Oral motion by government to dismiss count; heard and GRANTED.

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

Defendant sentenced to SIX (6) months on Count 4s to run concurrently with Counts 1s, 2s, 3s, 4s, 5s. No period of supervised release imposed. Special Assessment of \$10.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:1752(a) and 40:5104(e)(2)

Disposition

Plaintiff

USA

represented by **April Holly Ayers-Perez**
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Date Filed	#	Docket Text
01/09/2021	<u>1</u>	SEALED COMPLAINT as to LARRY RENDALL BROCK (1). (Attachments: # <u>1</u> Affidavit in Support) (zstd) [1:21-mj-00023-GMH] (Entered: 01/11/2021)
01/09/2021	<u>3</u>	MOTION to Seal Case by USA as to LARRY RENDALL BROCK. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00023-GMH] (Entered: 01/11/2021)
01/09/2021	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to LARRY RENDALL BROCK (1). Signed by Magistrate Judge G. Michael Harvey on 1/9/2021. (zstd) [1:21-mj-00023-GMH] (Entered: 01/11/2021)
01/10/2021		Arrest of LARRY RENDALL BROCK in US District Court Northern District of Texas (Fort Worth). (bb) [1:21-mj-00023-GMH] (Entered: 01/25/2021)
01/10/2021		Case unsealed as to LARRY RENDALL BROCK (zstd) [1:21-mj-00023-GMH] (Entered: 02/19/2021)
01/15/2021	<u>5</u>	Rule 5(c)(3) Documents Received as to LARRY RENDALL BROCK from US District Court Northern District of Texas (Fort Worth) Case Number 4:21-mj-17 (BJ) (bb) [1:21-mj-00023-GMH] (Entered: 01/25/2021)

02/11/2021	<u>6</u>	NOTICE OF ATTORNEY APPEARANCE Justin Todd Sher appearing for USA. (zltp) [1:21-mj-00023-GMH] (Entered: 02/11/2021)
02/19/2021	<u>7</u>	INFORMATION as to LARRY RENDALL BROCK (1) count(s) 1, 2, 3, 4, 5, 6. (zstd) (Entered: 02/19/2021)
02/23/2021		Set/Reset Hearings as to LARRY RENDALL BROCK: Arraignment set for 2/25/2021 at 10:00 AM in Telephonic/VTC before Judge John D. Bates. (tb) (Entered: 02/23/2021)
02/23/2021	<u>9</u>	NOTICE OF ATTORNEY APPEARANCE: Charles Burnham appearing for LARRY RENDALL BROCK (Burnham, Charles) (Entered: 02/23/2021)
02/23/2021	<u>10</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Ayers-Perez, April Holly added. (Ayers-Perez, April) (Entered: 02/23/2021)
02/25/2021		Minute Entry: Arraignment as to LARRY RENDALL BROCK (1) held on 2/25/2021 before Judge John D. Bates on Counts 1,2,3,4,5 and 6: Plea of NOT GUILTY entered by LARRY RENDALL BROCK (1) as to all Counts. Parties discussed discovery. Status Conference set for 4/27/2021 at 10:00 AM in Telephonic/VTC before Judge John D. Bates. The Court finds in the interest of justice (XT) that the time between 02/25/2021 and 04/27/2021 shall be excluded from the speedy trial calculation. Defendant remains on release. Court Reporter: Bryan Wayne; Defense Attorney: Charles Burnham; US Attorney: April Ayers-Perez. (tb) (Entered: 02/25/2021)
03/15/2021	<u>11</u>	MOTION to Modify Conditions of Release by LARRY RENDALL BROCK. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Burnham, Charles) (Entered: 03/15/2021)
03/15/2021		MINUTE ORDER as to LARRY RENDALL BROCK:: Upon consideration of <u>11</u> defendants Motion to Modify Conditions of Release, and the entire record herein, it is hereby ORDERED that the government shall file any opposition to defendants motion by not later than March 25, 2021. SO ORDERED by Judge John D. Bates on 03/15/2021. (tb) (Entered: 03/15/2021)
03/22/2021		NOTICE of Provisional/Government Not Certified Status re <u>11</u> MOTION to Modify Conditions of Release . Your attorney renewal/government certification has not been received. As a result, your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local Criminal Rule 57.21.1, you must immediately correct your membership status by following the appropriate instructions on this page of our website: https://www.dcd.uscourts.gov/attorney-admissions-and-renewal-information . Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 3/29/2021. (znmw) (Entered: 03/22/2021)
03/25/2021	<u>12</u>	RESPONSE by USA as to LARRY RENDALL BROCK re <u>11</u> MOTION to Modify Conditions of Release (Attachments: # <u>1</u> Exhibit Government Exhibit A, # <u>2</u> Exhibit Government Exhibit B)(Ayers-Perez, April) (Entered: 03/25/2021)
04/12/2021	<u>13</u>	ORDER Setting Conditions of Release as to LARRY RENDALL BROCK (1) Release. Approved by Judge John D. Bates on 02/25/2021. (tb) (Entered: 04/12/2021)
04/17/2021	<u>14</u>	ORDER: Granting in part and denying in part <u>11</u> defendant's Motion to Modify Conditions of Release as to LARRY RENDALL BROCK. See text of Order for

		details.. Signed by Judge John D. Bates on 04/16/2021. (tb) (Entered: 04/17/2021)
04/27/2021		Minute Entry: Status Conference as to LARRY RENDALL BROCK held on 4/27/2021 before Judge John D. Bates: Oral motion by defendant to modify conditions of release; heard and taken under advisement. Parties along with PSA shall submit proposed language regarding adjusting release conditions. Status Conference set for 6/24/2021 at 11:00 AM in Telephonic/VTC before Judge John D. Bates. The Court finds in the interest of justice (XT) that the time between 04/27/2021 and 06/24/2021 shall be excluded from the speedy trial calculation. Defendant remains on release. Court Reporter: Bryan Wayne; Defense Attorney: Charles Burnham; US Attorney: April Ayers-Perez; Pretrial Officer: Andre Sidbury. (tb) (Entered: 04/27/2021)
04/27/2021	<u>15</u>	ENTERED IN ERROR.....Unopposed MOTION for Protective Order by USA as to LARRY RENDALL BROCK. (Attachments: # <u>1</u> Text of Proposed Order)(Ayers-Perez, April) Modified on 4/28/2021 (zhsj). (Entered: 04/27/2021)
04/27/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to LARRY RENDALL BROCK re <u>15</u> Unopposed MOTION for Protective Order was entered in error, and however the judge has already signed the order. See Docket Entry <u>16</u> . (zhsj) (Entered: 04/28/2021)
04/28/2021	<u>16</u>	PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to LARRY RENDALL BROCK. Signed by Judge John D. Bates on 04/28/2021. (tb) (Entered: 04/28/2021)
05/12/2021	<u>17</u>	ORDER modifying conditions of pretrial release as to LARRY RENDALL BROCK. See text of Order for details. SO ORDERED by Judge John D. Bates on 05/12/2021. (tb) (Entered: 05/13/2021)
06/21/2021	<u>20</u>	NOTICE of Discovery Letter by USA as to LARRY RENDALL BROCK (Attachments: # <u>1</u> Notice to Counsel/Party Discovery Letter)(Ayers-Perez, April) (Entered: 06/21/2021)
06/23/2021	<u>22</u>	MOTION to Modify Conditions of Release by LARRY RENDALL BROCK. (Attachments: # <u>1</u> Exhibit transcript)(Burnham, Charles) (Entered: 06/23/2021)
06/23/2021	<u>24</u>	SUPERSEDING INDICTMENT as to LARRY RENDALL BROCK (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s. (zhsj) (Entered: 06/24/2021)
06/23/2021	26	MOTION to Reconsider Electronic Monitoringby LARRY RENDALL BROCK. (See Docket Entry <u>22</u> to View Document). (zhsj) (Entered: 06/25/2021)
06/24/2021		Minute Entry: Arraignment/Status Hearing as to LARRY RENDALL BROCK (1) held on 6/24/2021 before Judge John D. Bates on Counts 1s,2s,3s,4s,5s and 6s. Plea of NOT GUILTY entered by LARRY RENDALL BROCK as to Counts 1s through 6s. Response to motion to modify conditions of release <u>22</u> due by 6/30/2021. Reply due by 7/2/2021. Status Conference set for 8/25/2021 at 04:00 PM in Telephonic/VTC before Judge John D. Bates. The Court finds in the interest of justice (XT) that the time between 06/24/2021 and 08/25/2021 shall be excluded from the speedy trial calculation. Defendant remains on release. Court Reporter: Lisa Moreira; Defense Attorney: Charles Burnham; Pretrial Officer: John Copes. (tb) (Entered: 06/24/2021)
06/30/2021	<u>27</u>	RESPONSE by USA as to LARRY RENDALL BROCK re <u>22</u> MOTION to Modify Conditions of Release , 26 MOTION for Reconsideration (Attachments: # <u>1</u> Exhibit Gov't Exhibit A, # <u>2</u> Exhibit Gov't Exhibit B)(Ayers-Perez, April) (Entered: 06/30/2021)

		06/30/2021)
07/02/2021	<u>28</u>	REPLY TO OPPOSITION to Motion by LARRY RENDALL BROCK re 26 MOTION for Reconsideration (Burnham, Charles) (Entered: 07/02/2021)
07/20/2021	<u>29</u>	SUPPLEMENT by LARRY RENDALL BROCK re 26 MOTION for Reconsideration of <i>Electronic Monitoring</i> (Burnham, Charles) (Entered: 07/20/2021)
08/16/2021	<u>30</u>	MEMORANDUM OPINION & ORDER granting <u>22</u> Motion to Modify Conditions of Release as to LARRY RENDALL BROCK. See text of Memorandum Opinion & Order for details. Signed by Judge John D. Bates on 08/16/2021. (tb) (Entered: 08/16/2021)
08/24/2021	<u>31</u>	NOTICE of <i>Discovery Status Memo</i> by USA as to LARRY RENDALL BROCK (Ayers-Perez, April) (Entered: 08/24/2021)
08/25/2021	<u>33</u>	NOTICE of <i>Discovery Letter</i> by USA as to LARRY RENDALL BROCK (Attachments: # <u>1</u> Supplement)(Ayers-Perez, April) (Entered: 08/25/2021)
08/25/2021		Minute Entry: Status Conference as to LARRY RENDALL BROCK held on 8/25/2021 before Judge John D. Bates: Parties discussed posture of case. Status Conference set for 10/25/2021 at 11:00 AM in Telephonic/VTC before Judge John D. Bates. The Court finds in the interest of justice (XT) that the time between 08/25/2021 and 10/25/2021 shall be excluded from the speedy trial calculation. Defendant remains on release. Court Reporter: Jan Dickman; Defense Attorney: Charles Burnham; US Attorney: April Ayers-Perez. (tb) (Entered: 08/26/2021)
09/03/2021		MINUTE ORDER as to LARRY RENDALL BROCK: In light of <u>30</u> the Court's Memorandum Opinion & Order granting <u>22</u> defendant's unsealed Motion to Reconsider Electronic Monitoring or in the Alternative to Modify Certain Restrictions on Travel, it is hereby ORDERED that <u>19</u> defendant's sealed Motion to Reconsider Electronic Monitoring or in the Alternative to Modify Certain Restrictions on Travel and <u>18</u> defendant's accompanying Motion to Seal are TERMINATED. SO ORDERED by Judge John D. Bates on 09/03/2021. (tb) (Entered: 09/03/2021)
09/23/2021	<u>34</u>	NOTICE of <i>Filing Discovery Status Update</i> by USA as to LARRY RENDALL BROCK (Ayers-Perez, April) (Entered: 09/23/2021)
10/21/2021	<u>35</u>	Joint MOTION to Continue <i>October 25, 2021 Status Conference</i> , Joint MOTION to Exclude <i>Time under the Speedy Trial Act</i> by USA as to LARRY RENDALL BROCK. (Attachments: # <u>1</u> Text of Proposed Order)(Ayers-Perez, April) (Entered: 10/21/2021)
10/21/2021		MINUTE ORDER: Upon consideration of <u>35</u> the United States' Joint Motion to Continue October 25, 2021 Status Conference for 60 Days, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that the status conference scheduled for October 25, 2021 shall be RESCHEDULED to December 22, 2021 at 11:00 a.m. in Telephonic/VTC; and it is further ORDERED that the time between October 25, 2021 and December 22, 2021 shall be excluded from the speedy trial calculation in the interest of justice. SO ORDERED. Signed by Judge John D. Bates on 10/21/2021. (lcjdb2) (Entered: 10/21/2021)
10/21/2021		Set/Reset Hearings as to LARRY RENDALL BROCK: Status Conference Rescheduled to 12/22/2021 at 11:00 AM in Telephonic/VTC before Judge John D. Bates. (jth) (Entered: 10/22/2021)

12/03/2021	<u>36</u>	NOTICE of Filing Discovery Status Update by USA as to LARRY RENDALL BROCK (Attachments: # <u>1</u> Supplement Attachment A, # <u>2</u> Supplement Attachment B)(Ayers-Perez, April) (Entered: 12/03/2021)
12/03/2021	<u>37</u>	NOTICE of Filing Discovery Status Update by USA as to LARRY RENDALL BROCK (Ayers-Perez, April) (Entered: 12/03/2021)
12/21/2021	<u>38</u>	MOTION to Continue <i>status hearing</i> by LARRY RENDALL BROCK. (Burnham, Charles) (Entered: 12/21/2021)
12/21/2021		MINUTE ORDER: Upon consideration of <u>38</u> defendant's Motion to Continue Status, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that the status conference scheduled for December 22, 2021 shall be RESCHEDULED to January 27, 2022 at 11:00 AM in Telephonic/VTC; and it is further ORDERED that the time between December 22, 2021 and January 27, 2022 shall be excluded from the speedy trial calculation in the interest of justice as the continuance will afford defendant more time to review discovery and explore a possible plea. SO ORDERED. Signed by Judge John D. Bates on 12/21/2021. (lcjdb2) (Entered: 12/21/2021)
01/18/2022	<u>39</u>	Consent MOTION to Modify Conditions of Release by LARRY RENDALL BROCK. (Attachments: # <u>1</u> Text of Proposed Order)(Burnham, Charles) (Entered: 01/18/2022)
01/18/2022	<u>40</u>	Consent MOTION minor change in time of status hearing by LARRY RENDALL BROCK. (Burnham, Charles) (Entered: 01/18/2022)
01/18/2022		MINUTE ORDER: Upon consideration of <u>40</u> defendant's Motion to Change Time of Status, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that the status conference scheduled for January 27, 2022 at 11:00 AM shall be RESCHEDULED to January 27, 2022 at 3:00 PM in Telephonic/VTC. SO ORDERED. Signed by Judge John D. Bates on 1/18/2022. (lcjdb2) (Entered: 01/18/2022)
01/18/2022	<u>41</u>	ORDER granting <u>39</u> Motion to Modify Conditions of Release as to LARRY RENDALL BROCK. See text of Order for details. Signed by Judge John D. Bates on 1/18/2022. (lcjdb2) (Entered: 01/18/2022)
01/19/2022		Set/Reset Hearings as to LARRY RENDALL BROCK: Status Conference reset for 1/27/2022 at 03:00 PM in Telephonic/VTC before Judge John D. Bates. (tb) (Entered: 01/19/2022)
01/26/2022		Set/Reset Hearings as to LARRY RENDALL BROCK: Status Conference reset for 1/28/2022 at 02:30 PM in Telephonic/VTC before Judge John D. Bates. (tb) (Entered: 01/26/2022)
01/27/2022		MINUTE ORDER: It is hereby ORDERED that the status conference scheduled for January 27, 2022 is hereby RESCHEDULED to January 31, 2022 at 10:00 AM via Zoom; and it is further ORDERED that the time between January 27, 2022 and January 31, 2022 shall be excluded from the speedy trial calculation in the interest of justice as the continuance will enable defendant to attend the status conference and participate in his defense. SO ORDERED. Signed by Judge John D. Bates on 1/27/2022. (lcjdb2) (Entered: 01/27/2022)
01/27/2022		Set/Reset Hearings as to LARRY RENDALL BROCK: Status Conference set for 1/31/2022 at 10:00 AM in Telephonic/VTC before Judge John D. Bates. (tb) (Entered: 01/27/2022)

01/31/2022		Minute Entry: Status Conference as to LARRY RENDALL BROCK held on 1/31/2022 before Judge John D. Bates: Parties discussed posture of the case, established a motions and trial schedule. Another Video Status Conference is set for 4/8/2022 at 10:30 AM in Telephonic/VTC before Judge John D. Bates. Defense Motions are due by 6/24/2022, Government Responses are due by 7/15/2022, any Replies are due by 7/29/2022, The Court will await receipt of the motions before scheduling a motions hearing. Jury Trial is set for 11/14/2022 at 9:30 AM in Courtroom 30A (In Person) before Judge John D. Bates. The Court finds in the interest of justice (XT) that the time between 1/31/2022 and 11/14/2022 shall be excluded from the speedy trial calculation. Defendant remains on release. Court Reporter: Lisa Moreira; Defense Attorney: Charles Burnham; US Attorney: April Ayers-Perez. (jth) (Entered: 01/31/2022)
02/10/2022	<u>43</u>	NOTICE of Filing United States' Memorandum Regarding Status of Discovery as of February 9, 2022 by USA as to LARRY RENDALL BROCK (Ayers-Perez, April) (Entered: 02/10/2022)
04/08/2022		Minute Entry for Video Status Conference proceeding held before Judge John D. Bates as to LARRY RENDALL BROCK on 4/8/2022. Defendant remains on release. US Attorneys: April Ayers-Perez and Emily Miller; Defense Attorney: Charles Burnham; Court Reporter: Sara Wick. (zgdg) (Entered: 04/08/2022)
06/24/2022	<u>45</u>	Consent MOTION for Extension of Time to file <i>Pretrial Motions (July 1)</i> by LARRY RENDALL BROCK. (Burnham, Charles) (Entered: 06/24/2022)
06/24/2022		MINUTE ORDER: Upon consideration of <u>45</u> defendant's consent motion for extension of time to file, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that defendant shall file any pre-trial motions by not later than July 1, 2022, the government shall file any responses by not later than July 22, 2022, and defendant shall file any replies by not later than August 5, 2022. SO ORDERED. Signed by Judge John D. Bates on 6/24/2022. (lcjdb2) (Entered: 06/24/2022)
06/28/2022		Set/Reset Deadlines as to LARRY RENDALL BROCK: Motion due by 7/1/2022. Response due by 7/22/2022. Reply due by 8/5/2022. (tb) (Entered: 06/28/2022)
07/01/2022	<u>46</u>	MOTION to Dismiss Count <i>One</i> by LARRY RENDALL BROCK. (Burnham, Charles) (Entered: 07/01/2022)
07/01/2022	<u>47</u>	MOTION to Change Venue <i>and to Adopt Motion in Related Case</i> by LARRY RENDALL BROCK. (Burnham, Charles) (Entered: 07/01/2022)
07/01/2022	<u>48</u>	MOTION to Compel <i>Discovery</i> by LARRY RENDALL BROCK. (Burnham, Charles) (Entered: 07/01/2022)
07/01/2022	<u>49</u>	MOTION to Compel <i>Discovery on Selective Prosecution</i> by LARRY RENDALL BROCK. (Attachments: # <u>1</u> Exhibit)(Burnham, Charles) (Entered: 07/01/2022)
07/01/2022	50	MOTION for Joinder Motion in Related Case by LARRY RENDALL BROCK. (See Docket Entry <u>47</u> to View Document). (zhsj) (Entered: 07/05/2022)
07/05/2022	51	MOTION for a Bill of Particulars by LARRY RENDALL BROCK. (See Docket Entry <u>46</u> to View Document). (zhsj) (Entered: 07/05/2022)
07/22/2022	<u>52</u>	RESPONSE by USA as to LARRY RENDALL BROCK re <u>47</u> MOTION to Change Venue <i>and to Adopt Motion in Related Case</i> (Ayers-Perez, April) (Entered: 07/22/2022)

		07/22/2022)
07/22/2022	<u>53</u>	RESPONSE by USA as to LARRY RENDALL BROCK re <u>48</u> MOTION to Compel <i>Discovery</i> (Ayers-Perez, April) (Entered: 07/22/2022)
07/22/2022	<u>54</u>	RESPONSE by USA as to LARRY RENDALL BROCK re <u>46</u> MOTION to Dismiss Count <i>One</i> (Ayers-Perez, April) (Entered: 07/22/2022)
07/22/2022	<u>55</u>	RESPONSE by USA as to LARRY RENDALL BROCK re <u>49</u> MOTION to Compel <i>Discovery on Selective Prosecution</i> (Ayers-Perez, April) (Entered: 07/22/2022)
07/22/2022	56	MOTION to Adopt Related Case in United States v. McHugh, No. 1:21-cr-453 by USA as to LARRY RENDALL BROCK. (See Docket Entry <u>52</u> to View Document). (zhsj) (Entered: 07/25/2022)
08/31/2022	<u>57</u>	ORDER denying <u>46</u> defendant's motion to dismiss count I; granting in part and denying in part <u>47</u> defendant's motion to adopt motion in other case and for change of venue; denying <u>48</u> defendant's motion to compel discovery; and denying <u>49</u> motion to compel discovery on selective prosecution. See text of Order and accompanying Memorandum Opinion for details. Signed by Judge John D. Bates on 8/31/2022. (lcjdb3) (Entered: 08/31/2022)
08/31/2022	<u>58</u>	MEMORANDUM OPINION. Signed by Judge John D. Bates on 8/31/2022. (lcjdb3) (Entered: 08/31/2022)
08/31/2022		MINUTE ORDER: The parties are hereby ORDERED to appear before the Court for a status conference on September 22, 2022 at 12:00 PM in Telephonic/VTC. SO ORDERED. Signed by Judge John D. Bates on 8/31/2022. (lcjdb2) (Entered: 08/31/2022)
09/01/2022		Set/Reset Hearings as to LARRY RENDALL BROCK: Status Conference set for 9/22/2022 at 12:00 PM in Telephonic/VTC before Judge John D. Bates. (tb) (Entered: 09/01/2022)
09/21/2022	<u>59</u>	MOTION to Continue by LARRY RENDALL BROCK. (Attachments: # <u>1</u> Exhibit)(Burnham, Charles) (Entered: 09/21/2022)
09/22/2022		Minute Entry for Status Conference as to LARRY RENDALL BROCK held on 9/22/2022 before Judge John D. Bates: Status Report due by 10/6/2022. Bond Status of Defendant: Personal Recognizance; Court Reporter: Bryan Wayne; Defense Attorney: Charles Burnham; US Attorney: Arvind Lal. (zjch,) (Entered: 09/22/2022)
10/06/2022	<u>60</u>	Joint STATUS REPORT by LARRY RENDALL BROCK (Burnham, Charles) (Entered: 10/06/2022)
10/11/2022		MINUTE ORDER: Upon consideration of <u>59</u> defendant's motion to continue, and the entire record herein, and in light of the fact that this case has been pending for 22 months and defendant has not presented sufficient good cause to further delay its resolution, it is hereby ORDERED that the motion is DENIED. The trial in this case remains set to commence on November 14, 2022. Signed by Judge John D. Bates on 10/11/2022. (lcjdb2) (Entered: 10/11/2022)
10/12/2022	<u>61</u>	NOTICE OF SUBSTITUTION OF COUNSEL by USA as to LARRY RENDALL BROCK. (Meisel, Douglas) Modified Text on 10/13/2022 (zhsj). (Entered: 10/12/2022)
10/18/2022		

		MINUTE ORDER: It is hereby ORDERED that the parties shall file any motions in limine by not later October 26, 2022; it is further ORDERED that the parties shall file proposed voir dire questions and jury instructions by not later than October 31, 2022; it is further ORDERED that the parties shall file responses to motions in limine by not later than November 1, 2022; it is further ORDERED that the parties shall file replies in support of motions in limine by not later than November 4, 2022; and it is further ORDERED that a pretrial conference is set for November 7, 2022 at 11:00 AM in Telephonic/VTC. SO ORDERED. Signed by Judge John D. Bates on 10/18/2022. (lcjdb2) (Entered: 10/18/2022)
10/19/2022		Set/Reset Deadlines/Hearings as to LARRY RENDALL BROCK: Motion in Limine due by 10/26/2022. Responses due by 11/1/2022. Replies due by 11/4/2022. Pretrial Conference set for 11/7/2022 at 11:00 AM in Telephonic/VTC before Judge John D. Bates. (tb) (Entered: 10/19/2022)
10/20/2022	<u>62</u>	MOTION to Strike <i>Portions of the Superseding Indictment</i> by USA as to LARRY RENDALL BROCK. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Ayers–Perez, April) (Entered: 10/20/2022)
10/21/2022		MINUTE ORDER: It is hereby ORDERED that, by not later than October 28, 2022, defendant shall file a response to <u>62</u> the government's motion to strike portions of the superseding indictment. Signed by Judge John D. Bates on 10/21/2022. (lcjdb2) (Entered: 10/21/2022)
10/24/2022		Set/Reset Deadlines as to LARRY RENDALL BROCK: Response due by 10/28/2022. (tb) (Entered: 10/24/2022)
10/26/2022	<u>63</u>	First MOTION in Limine by USA as to LARRY RENDALL BROCK. (Ayers–Perez, April) (Entered: 10/26/2022)
10/29/2022	<u>64</u>	RESPONSE by LARRY RENDALL BROCK re <u>62</u> MOTION to Strike <i>Portions of the Superseding Indictment</i> (Burnham, Charles) (Entered: 10/29/2022)
10/31/2022		MINUTE ORDER: Upon consideration of the government's <u>62</u> unopposed motion to strike portions of the superseding indictment, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the language referring to the "Vice President–elect" in Counts Two and Three of the superseding indictment is hereby STRICKEN. SO ORDERED. Signed by Judge John D. Bates on 10/31/2022. (lcjdb2) (Entered: 10/31/2022)
10/31/2022	<u>65</u>	Proposed Jury Instructions by USA as to LARRY RENDALL BROCK (Ayers–Perez, April) (Entered: 10/31/2022)
10/31/2022	<u>66</u>	Proposed Voir Dire by USA as to LARRY RENDALL BROCK (Ayers–Perez, April) (Entered: 10/31/2022)
11/07/2022		MINUTE ORDER: Upon consideration of <u>63</u> the government's unopposed motion in limine regarding evidence about the specific locations of U.S. Capitol police surveillance cameras, and the entire record herein, it is hereby ORDERED that the motion is GRANTED for the reasons stated in the hearing on this day. Signed by Judge John D. Bates on 11/7/2022. (lcjdb2) (Entered: 11/07/2022)
11/07/2022		MINUTE ORDER: It is hereby ORDERED that the parties shall file a trial brief, a witness list, and an exhibit list by not later than 4:00 p.m. on November 10, 2022; and it is further ORDERED that the government shall produce all Jencks material by not later than 4:00 p.m. on November 10, 2022. SO ORDERED. Signed by Judge John D.

		Bates on 11/7/2022. (lcjdb2) (Entered: 11/07/2022)
11/07/2022		Minute Entry: Pretrial Conference as to LARRY RENDALL BROCK held on 11/7/2022 before Judge John D. Bates: Parties discussed posture of case and trial. Oral motion by defendant to convert jury trial to a bench trial; heard and GRANTED. Bench Trial set for 11/14/2022 at 09:15 AM in Courtroom 30A– In Person before Judge John D. Bates. Defendant remains on release. Court Reporter: Lisa Moreira; Defense Attorney: Charles Burnham; US Attorney: April Ayers–Perez, Douglas Meisel and Barry Disney. (tb) (Entered: 11/08/2022)
11/08/2022		Set/Reset Deadlines as to LARRY RENDALL BROCK: Brief due by 11/10/2022. Exhibit List due by 11/10/2022. Witness List due by 11/10/2022. (tb) (Entered: 11/08/2022)
11/08/2022		Set/Reset Hearings as to LARRY RENDALL BROCK: Status Conference reset for 11/21/2022 at 11:00 AM in Telephonic/VTC before Judge John D. Bates. (tb) (Entered: 11/08/2022)
11/10/2022	<u>68</u>	TRIAL BRIEF by USA as to LARRY RENDALL BROCK (Ayers–Perez, April) (Entered: 11/10/2022)
11/10/2022	<u>69</u>	WITNESS LIST by USA as to LARRY RENDALL BROCK (Ayers–Perez, April) (Entered: 11/10/2022)
11/10/2022	<u>70</u>	EXHIBIT LIST by USA as to LARRY RENDALL BROCK (Ayers–Perez, April) (Entered: 11/10/2022)
11/10/2022	<u>71</u>	EXHIBIT LIST by LARRY RENDALL BROCK (Burnham, Charles) (Entered: 11/10/2022)
11/13/2022	<u>72</u>	EXHIBIT LIST by USA as to LARRY RENDALL BROCK (Ayers–Perez, April) (Entered: 11/13/2022)
11/13/2022	<u>73</u>	EXHIBIT LIST by LARRY RENDALL BROCK (Burnham, Charles) (Entered: 11/13/2022)
11/14/2022		Minute Entry: Bench Trial begun as to LARRY RENDALL BROCK on 11/14/2022 before Judge John D. Bates: Opening statements; government witnesses: Sean Patton; Elizabeth Glavey; Nairobi Timberlake; Maggie May Humphrey and John Moore. Bench Trial continued to 11/15/2022 at 09:30 AM in Courtroom 30A– In Person before Judge John D. Bates. Defendant remains on release. Court Reporter: Jodie Hibbard; Defense Attorney: Charles Burnham; US Attorney: April Ayers–Perez, Douglas Meisel and Barry Disney. (tb) (Entered: 11/14/2022)
11/14/2022	<u>76</u>	WAIVER of Trial by Jury as to LARRY RENDALL BROCK. Signed by Judge John D. Bates on 11/14/2022. (tb) (Entered: 11/15/2022)
11/15/2022	<u>75</u>	NOTICE OF ATTORNEY APPEARANCE Barry Kent Disney, I appearing for USA. (Disney, Barry) (Entered: 11/15/2022)
11/15/2022		Set/Reset Hearings as to LARRY RENDALL BROCK: Bench Trial (Judge's oral verdict) set for 11/16/2022 at 10:00 AM in Courtroom 30A– In Person before Judge John D. Bates. (tb) (Entered: 11/15/2022)
11/15/2022		Minute Entry: Bench Trial resumed as to LARRY RENDALL BROCK held on 11/15/2022 before Judge John D. Bates: Government witness: John Moore; government rested; Defendant's oral Rule 29 motion; heard and taken under

		advisement. Defendant rested. Closing arguments. Rulings and verdict shall be rendered on 11/16/2022 at 10:00 before Judge John D. Bates in Courtroom 30A. Defendant remains on release. Court Reporter: Jodie Hibbard; Defense Attorney: Charles Burnham; US Attorney: April Ayers-Perez, Douglas Meisel and Barry Disney. (tb) (Entered: 11/16/2022)
11/16/2022		Minute Entry: Bench Trial concluded as to LARRY RENDALL BROCK on 11/16/2022 before Judge John D. Bates: The Court DENIES the defendant's oral Rule 29 motion. The Court rendered a verdict of GUILTY on all counts. Sentencing memoranda due by 2/7/2023. Sentencing set for 2/14/2023 at 10:30 AM in Courtroom 30A- In Person before Judge John D. Bates. REFERRAL TO PROBATION OFFICE for Presentence Investigation as to LARRY RENDALL BROCK. Court Reporter: Jodie Hibbard; Defense Attorney: Charles Burnham; US Attorney: April Ayers-Perez, Douglas Meisel and Barry Disney. (tb) (Entered: 11/16/2022)
11/16/2022	<u>77</u>	ATTORNEYS' ACKNOWLEDGMENT OF TRIAL EXHIBITS as to LARRY RENDALL BROCK. (tb) (Entered: 11/16/2022)
11/16/2022	<u>78</u>	EXHIBIT LIST by USA as to LARRY RENDALL BROCK, (tb) (Entered: 11/21/2022)
12/06/2022	<u>79</u>	<p>TRANSCRIPT OF BENCH TRIAL – DAY 1 in case as to LARRY RENDALL BROCK before Judge John D. Bates held on November 14, 2022. Page Numbers: 1 – 221. Date of Issuance: December 6, 2022. Court Reporter: Jodi Hibbard. Telephone number: 315–234–8547. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>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.</p> <p>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.</p> <p>Redaction Request due 12/27/2022. Redacted Transcript Deadline set for 1/6/2023. Release of Transcript Restriction set for 3/6/2023.(Hook, Jeff) (Entered: 12/06/2022)</p>
12/06/2022	<u>80</u>	<p>TRANSCRIPT OF BENCH TRIAL – DAY 2 in case as to LARRY RENDALL BROCK before Judge John D. Bates held on November 15, 2022. Page Numbers: 222 – 386. Date of Issuance: December 6, 2022. Court Reporter: Jodi Hibbard. Telephone number: 315–234–8547. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>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</p>

		<p>reporter.</p> <p>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.</p> <p>Redaction Request due 12/27/2022. Redacted Transcript Deadline set for 1/6/2023. Release of Transcript Restriction set for 3/6/2023.(Hook, Jeff) (Entered: 12/06/2022)</p>
12/06/2022	<u>81</u>	<p>TRANSCRIPT OF BENCH TRIAL – DAY 3 in case as to LARRY RENDALL BROCK before Judge John D. Bates held on November 16, 2022. Page Numbers: 387 – 417. Date of Issuance: December 6, 2022. Court Reporter: Jodi Hibbard. Telephone number: 315–234–8547. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>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.</p> <p>Redaction Request due 12/27/2022. Redacted Transcript Deadline set for 1/6/2023. Release of Transcript Restriction set for 3/6/2023.(Hook, Jeff) (Entered: 12/06/2022)</p>
02/06/2023	<u>86</u>	<p>MOTION to Continue <i>Sentencing</i> by LARRY RENDALL BROCK. (Burnham, Charles) (Entered: 02/06/2023)</p>
02/07/2023		<p>MINUTE ORDER: Upon consideration of <u>86</u> defendant's unopposed motion to continue sentencing, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that sentencing is RESCHEDULED to March 17, 2023 at 11:00 a.m. in Courtroom 30A; and it is further ORDERED that sentencing memoranda are to be filed by not later than the end of the business day on March 10, 2023. SO ORDERED. Signed by Judge John D. Bates on 2/7/2023. (lcjdb2) (Entered: 02/07/2023)</p>
02/14/2023		<p>Set/Reset Hearings as to LARRY RENDALL BROCK: Sentencing reset for 3/17/2023 at 11:00 AM in Courtroom 30A– In Person before Judge John D. Bates. (tb) (Entered: 02/14/2023)</p>
03/10/2023	<u>87</u>	<p>MOTION to Continue <i>Sentencing</i> by LARRY RENDALL BROCK. (Burnham, Charles) (Entered: 03/10/2023)</p>
03/10/2023	<u>88</u>	<p>SENTENCING MEMORANDUM by USA as to LARRY RENDALL BROCK (Attachments: # <u>1</u> Appendix)(Ayers–Perez, April) (Entered: 03/10/2023)</p>

03/11/2023	<u>90</u>	STRICKEN FROM THE RECORD PURSUANT TO MINUTE ORDER FILED ON 03/16/2023.....SENTENCING MEMORANDUM by LARRY RENDALL BROCK (Attachments: # <u>1</u> Exhibit letters, # <u>2</u> Exhibit chart)(Burnham, Charles) Modified on 3/17/2023 (tb). (Entered: 03/11/2023)
03/12/2023		MINUTE ORDER: Upon consideration of <u>87</u> defendant's motion to continue sentencing, and the entire record herein, it is hereby ORDERED that the government shall file a response stating its position by not later than March 13, 2023. Signed by Judge John D. Bates on 3/12/2023. (lcjdb2) (Entered: 03/12/2023)
03/12/2023		MINUTE ORDER: Upon consideration of <u>89</u> defendant's motion for leave to file his sentencing memorandum under seal, and the entire record herein, it is hereby ORDERED that the motion is DENIED; and it is further ORDERED that defendant shall file a public version of his sentencing memorandum redacting only the addresses and phone numbers of those who wrote letters on his behalf by not later than March 13, 2023. SO ORDERED. Signed by Judge John D. Bates on 3/12/2023. (lcjdb2) (Entered: 03/12/2023)
03/13/2023	<u>91</u>	MOTION for Reconsideration <i>On Order Regarding Redactions or in the Alternative for One Day Extension to File Revised Sentencing Materials</i> by LARRY RENDALL BROCK. (Burnham, Charles) (Entered: 03/13/2023)
03/13/2023		MINUTE ORDER: Upon consideration of <u>91</u> defendant's motion to reconsider the Court's March 12, 2023 Order denying his motion for leave to file under seal his sentencing memorandum, and the entire record herein, it is hereby ORDERED that the motion is DENIED; and it is further ORDERED that defendant shall file a public version of his sentencing memorandum redacting only the addresses and phone numbers of those who wrote letters of support on his behalf by not later than March 15, 2023. SO ORDERED. Signed by Judge John D. Bates on 3/13/2023. (lcjdb2) (Entered: 03/13/2023)
03/13/2023	<u>92</u>	RESPONSE by USA as to LARRY RENDALL BROCK re <u>87</u> MOTION to Continue <i>Sentencing</i> (Ayers-Perez, April) (Entered: 03/13/2023)
03/14/2023		MINUTE ORDER: Upon consideration of <u>87</u> defendant's motion to continue sentencing, and the entire record herein, it is hereby ORDERED that the motion is DENIED. Signed by Judge John D. Bates on 3/14/2023. (lcjdb2) (Entered: 03/14/2023)
03/15/2023		Set/Reset Deadlines as to LARRY RENDALL BROCK: Response due by 3/13/2023. (tb) (Entered: 03/15/2023)
03/15/2023	<u>93</u>	REPLY by LARRY RENDALL BROCK re <u>88</u> Sentencing Memorandum. (Burnham, Charles) Modified Text on 3/17/2023 (zhsj). (Entered: 03/15/2023)
03/15/2023	<u>94</u>	MOTION for Permission to Withdraw Previously Filed Sentencing Memorandum and Substitute Amended Sentencing Memorandum by LARRY RENDALL BROCK. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit Amended Sentencing Memo)(Burnham, Charles) Modified Event on 3/16/2023 (zhsj). (Entered: 03/15/2023)
03/16/2023		MINUTE ORDER: Upon consideration of <u>94</u> defendant's motion to withdraw <u>90</u> his previously filed sentencing memorandum and replace it with [94-1], [94-2], and [94-3], and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that <u>90</u> shall be STRICKEN from the docket;

		and it is further ORDERED that [94–1], [94–2], and [94–3] are deemed filed as defendant's sentencing memorandum and part of the record. SO ORDERED. Signed by Judge John D. Bates on 3/16/2023. (lcjdb2) (Entered: 03/16/2023)
03/16/2023	<u>96</u>	AMENDED SENTENCING MEMORANDUM by LARRY RENDALL BROCK (Attachments: # <u>1</u> Exhibit 1 Letter, # <u>2</u> Exhibit 2 Portland Federal Courthouse Cases) (zhsj) (Entered: 03/20/2023)
03/17/2023		Minute Entry: Sentencing held on 3/17/2023 as to LARRY RENDALL BROCK (1) held before Judge John D. Bates all counts of the Superseding Indictment:Count(s) 1s: Defendant sentenced to TWENTY–FOUR (24) months on Count 1s to run concurrently with Counts 2s, 3s, 4s, 5s and 6s. No period of supervised release imposed. Special Assesment of \$10.00; Count(s) 2s: Defendant sentenced to TWELVE (12) months on Count 2s to run concurrently with Counts 1s, 3s, 4s, 5s and 6s. TWELVE (12) months of Supervised to run concurrently with Counts 1s and 3s. Special Assesment of \$25.00; Count(s) 3s: Defendant sentenced to TWELVE (12) months on Count 3s to run concurrently with Counts 1s, 2s, 4s, 5s and 6s. TWELVE (12) months of Supervised to run concurrently with Counts 1s and 2s. Special Assesment of \$25.00; Count(s) 4s: Defendant sentenced to SIX (6) months on Count 4s to run concurrently with Counts 1s, 2s, 3s, 5s and 6s. No period of supervised release imposed. Special Assesment of \$10.00; Count(s) 5s: Defendant sentenced to SIX (6) months on Count 5s to run concurrently with Counts 1s, 2s, 3s, 4s and 6s. No period of supervised release imposed. Special Assesment of \$10.00.; Count(s) 6, Oral motion by government to dismiss count; heard and GRANTED; Count(s) 6s: Defendant sentenced to SIX (6) months on Count 4s to run concurrently with Counts 1s, 2s, 3s, 4s, 5s. No period of supervised release imposed. Special Assesment of \$10.00. Defendant remains on release. Court Reporter: Elizabeth Saint Loth; Defense Attorney: Charles Burnham; US Attorney: April Ayers–Perez and Douglas Meisel; Probation: Kelli Willett. (tb) Modified on 4/20/2023 (tb). (Entered: 03/21/2023)
03/20/2023	<u>98</u>	JUDGMENT as to LARRY RENDALL BROCK. Statement of Reasons Not Included. Signed by Judge John D. Bates on 3/20/2023. (zhsj) (Entered: 03/22/2023)
03/20/2023	<u>99</u>	STATEMENT OF REASONS as to LARRY RENDALL BROCK re <u>98</u> Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge John D. Bates on 3/20/2023. (zhsj) (Entered: 03/22/2023)
03/28/2023	<u>100</u>	NOTICE OF APPEAL – Final Judgment by LARRY RENDALL BROCK Filing fee \$ 505, receipt number ADCDC–9958298. Fee Status: Fee Paid. Parties have been notified. (Burnham, Charles) (Entered: 03/28/2023)
03/28/2023	<u>101</u>	MOTION for Bond / <i>Release Pending Appeal</i> by LARRY RENDALL BROCK. (Attachments: # <u>1</u> Exhibit Chart of Sentences)(Burnham, Charles) (Entered: 03/28/2023)
03/30/2023	<u>102</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid as to LARRY RENDALL BROCK re <u>100</u> Notice of Appeal – Final Judgment. (ztnr) (Entered: 03/30/2023)
03/30/2023	<u>103</u>	ENTERED IN ERROR.....Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid on 3/17/2023. Sentencing on 3/17/2023 as to LARRY RENDALL BROCK re <u>100</u> Notice of Appeal – Final Judgment. (zhsj) Modified on 3/30/2023 (zhsj). (Entered: 03/30/2023)

		03/30/2023)
03/30/2023		NOTICE OF ERROR as to LARRY RENDALL BROCK regarding <u>103</u> Transmission of Notice of Appeal and Docket Sheet to USCA as a Duplicate. (zhsj) (Entered: 03/30/2023)
04/13/2023	<u>104</u>	MOTION Treat Motion for Release Pending Appeal As Conceded <i>and Supplement to Original Motion</i> by LARRY RENDALL BROCK. (Burnham, Charles) (Entered: 04/13/2023)
04/13/2023	<u>105</u>	RESPONSE by USA as to LARRY RENDALL BROCK re <u>104</u> MOTION Treat Motion for Release Pending Appeal As Conceded <i>and Supplement to Original Motion</i> , <u>101</u> MOTION for Bond <i>/Release Pending Appeal</i> (Attachments: # <u>1</u> Motion for Leave)(Ayers–Perez, April) (Entered: 04/13/2023)
04/14/2023		MINUTE ORDER: Upon consideration of <u>104</u> defendant's motion to treat <u>101</u> his motion for release pending appeal as uncontested, and the entire record herein, is it hereby ORDERED that the motion is denied, and the Court will accordingly consider <u>105</u> the government's opposition in resolving the motion; and it is further ORDERED that defendant shall file any reply in support of <u>101</u> his motion for release pending appeal by not later than the close of business on April 17, 2023. SO ORDERED. Signed by Judge John D. Bates on 4/14/2023. (lcjdb2) (Entered: 04/14/2023)
04/14/2023		Set/Reset Deadlines as to LARRY RENDALL BROCK: Reply due by 4/17/2023. (tb) (Entered: 04/14/2023)
04/17/2023	<u>106</u>	REPLY TO OPPOSITION to Motion by LARRY RENDALL BROCK re <u>101</u> MOTION for Bond <i>/Release Pending Appeal</i> (Burnham, Charles) (Entered: 04/17/2023)
04/20/2023	<u>107</u>	ORDER denying <u>101</u> defendant's motion for release pending appeal. See text of Order for details. Signed by Judge John D. Bates on 4/20/2023. (lcjdb2) (Entered: 04/20/2023)
04/21/2023	<u>108</u>	MOTION Extend BOP Surrender Date by LARRY RENDALL BROCK. (Attachments: # <u>1</u> Text of Proposed Order)(Burnham, Charles) (Entered: 04/21/2023)
		<i>Main Document</i>
		<i>Attachment # 1 Text of Proposed Order</i>
04/21/2023	<u>109</u>	RESPONSE by USA as to LARRY RENDALL BROCK re <u>108</u> MOTION Extend BOP Surrender Date (Ayers–Perez, April) (Entered: 04/21/2023)
04/21/2023	<u>110</u>	ORDER granting <u>108</u> defendant's motion to extend self–reporting date. See text of Order for details. Signed by Judge John D. Bates on 4/21/2023. (lcjdb2) (Entered: 04/21/2023)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

LARRY BROCK,
Defendant.

Criminal Action No. 21-140 (JDB)

ORDER

Before the Court is defendant Larry Brock’s motion to extend his Federal Bureau of Prisons (“BOP”) self-surrender date, which he filed on April 21, 2023. See Mot. to Extend BOP Self Surrender Date (“Mot.”) [ECF No. 108]. Brock’s current self-reporting date is April 25, 2023, id. at 1, and he requests that the Court extend that date until May 29, 2023, id. at 3. The United States Probation Office does not oppose Brock’s motion. The government filed an opposition on the same date the motion was filed. See Gov’t’s Opp’n to Mot. [ECF No. 109] (“Gov’t Opp’n”).

Brock cites two reasons for his requested extension: (1) to allow him time “to request release from the Circuit Court” before his self-surrender date, and (2) “to gain information this Court has identified as material to the release question,” namely, whether the decision in United States v. Fischer, 64 F.4th 329 (D.C. Cir. 2023) will receive further en banc review. See Mot. at 1–2. The government’s opposition focuses exclusively on Brock’s second reason for the requested extension, see Gov’t Opp’n at 1–2, but it does not directly address his first reason.

While the Court agrees with the government that the Court has already addressed the Fischer-related issues in its previous Order denying Brock’s motion for release pending appeal, the analysis of that decision does not control here, as that decision resolved a motion for release pending appeal and the instant motion requests an extension of time for Brock’s self-surrender date, which is a different issue. The Court is persuaded to grant Brock’s motion solely to give him

a chance to seek relief from the D.C. Circuit before reporting to serve his sentence, as it sees little reason not to grant him this brief extension on that ground.

* * *

For the foregoing reasons, upon consideration of [108] and the entire record herein, it is hereby

ORDERED that [108] Brock’s motion to extend his Bureau of Prisoners (“BOP”) self-surrender date is **GRANTED**; and it is further

ORDERED that Brock shall self-surrender to BOP on May 29, 2023.

SO ORDERED.

/s/
JOHN D. BATES
United States District Judge

Dated: April 21, 2023

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

United States)	
)	
v.)	NO. 1:21cr140
)	
Larry Brock)	
)	
)	
<u>Defendant.</u>)	

MOTION TO EXTEND BOP SELF SURRENDER DATE

BACKGROUND

Mr. Brock moved for release pending appeal, which this court denied on April 20, 2023 (yesterday). Mr. Brock has filed his notice of appeal with the Circuit Court and his surrender date at BOP is April 25.

ARGUMENT

It is well accepted that a district court has authority to make reasonable extension of BOP surrender dates. *United States v. Hunter Seefried*, 1:21-cr-287, ECF 126-27 (granting surrender extension in January 6 case for defendant to “spend the Christmas holiday period with his mother”); *see also, United States v. Bryant*, 8:22-cr-308-DLB (D.Md. April 17, 2023)(granting surrender extension due to apparent paperwork mix-up at BOP).

Mr. Brock respectfully requests that the Court grant him a self-surrender extension to request release from the Circuit Court and determine whether further proceedings in the Circuit Court may materially change this Court’s analysis. Such an action would be appropriate because, as the Court acknowledges, “[t]he parties appear to

agree what Brock is not a flight risk or a danger to the community.” ECF 107 at 4.

Moreover, the custody status of non-danger, non-flight risk defendants awaiting the final outcome of *Fischer/Miller* is an issue the Circuit Court is bound to take up at some point. It would be an exercise in prudence to allow the Circuit Court to pass on this question before committing such individuals to BOP.

Finally, even a short delay of Mr. Brock’s surrender date will give a chance to gain information this Court has identified as material to the release question. As the Court stated, “this Court cannot look into a crystal ball and determine whether the D.C. Circuit will in fact review the Fischer decision en banc.” However, the extent which Fischer/Miller will undergo further review will become apparent in short order. Any request for panel rehearing would have to be filed by May 22 under Circuit Rule 35 (45 days after entry of April 7 judgment) at which point the court may request a response.

Given the importance of the case and the fractured nature of the panel decision, it seems likely that, should the Court desire a response to the petition, it would make that request in fairly short order after the petition is filed. If the court does request a response from the government, it will be a good indication that it is taking the issues seriously. In such a circumstance, the rationale of district court cases granting release pending appeal in § 1512 cases will again become highly pertinent. *See, e.g. United States v. Seefried*, 21-cr-287 (D.D.C. 2023)(discussed extensively in briefs on release pending appeal).

Mr. Brock submits that a delay of his self-surrender until May 29 is likely to reveal whether significant further proceedings in *Miller/Fischer* will take place. By that time any petitions for rehearing will have been filed and the Circuit Court will have had at least a week to consider whether to require a response. Such an approach would

avoid inflicting undue prejudice on Mr. Brock for having the misfortune to have his initial surrender date fall in the brief interregnum between initial judgment and action on a petition for rehearing. The action will have virtually no downside given Mr. Brock's flawless performance on supervised release and uncontested no-danger no-flight risk status.

CONCLUSION

For the foregoing reasons, Mr. Brock respectfully requests this Court to extend his surrender date until May 29..

Respectfully Submitted,

By:

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CERTIFICATE OF SERVICE

I have served this filing on the government through the ecf system.

Respectfully Submitted,

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