

APPEAL,CAP,CAT A

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00426-CKK-1**

Case title: USA v. HENDRIX

Magistrate judge case number: 1:21-mj-00446-ZMF

Date Filed: 06/23/2021

Assigned to: Judge Colleen
Kollar-Kotelly

Defendant (1)

NICHOLAS P. HENDRIX
also known as
**NICHOLAS PATRICK
HENDRIX**

represented by **David Beneman**
Federal Defender – Maine
P.O. Box 595
Portland, ME 04112-0595
207-553-7070
Fax: 207-553-7017
Email: david_beneman@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

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

(1)

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

(2)

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

(3)

Disposition

Dismissed on Oral Motion by the Government

Dismissed on Oral Motion by the Government

Dismissed on Oral Motion by the Government

40:5104(e)(2)(G); VIOLENT
ENTRY AND DISORDERLY
CONDUCT ON CAPITOL
GROUNDS; Parading,
Demonstrating, or Picketing in a
Capitol Building.
(4)

Thirty (30) days incarceration followed by a term
of Three (3) years of probation and a Special
Assessment of \$10.00.

Highest Offense Level (Opening)

Misdemeanor

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

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

Disposition

Plaintiff

USA

represented by **Clayton Henry O'Connor**
DOJ-CRM
Human Rights and Special Prosecutions
Section
1301 New York Ave NW
Ste 1200
Washington, DC 20530
202-616-3308
Email: Clayton.Oconnor@usdoj.gov
TERMINATED: 10/15/2021
LEAD ATTORNEY
Designation: Assistant U.S. Attorney

Karen E. Rochlin
DOJ-USAO
99 Northeast 4th Street
Miami, FL 33132
305-961-9234
Email: karen.rochlin@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Designation: Assistant U.S. Attorney

Date Filed	#	Page	Docket Text
05/25/2021	<u>1</u>		SEALED COMPLAINT as to NICHOLAS PATRICK HENDRIX (1). (Attachments: # <u>1</u> Statement of Facts) (bb) [1:21-mj-00446-ZMF] (Entered: 05/26/2021)
05/25/2021	<u>3</u>		MOTION to Seal Case by USA as to NICHOLAS PATRICK HENDRIX. (Attachments: # <u>1</u> Text of Proposed Order)(bb) [1:21-mj-00446-ZMF] (Entered: 05/26/2021)
05/25/2021	<u>4</u>		ORDER granting <u>3</u> Motion to Seal Case as to NICHOLAS PATRICK HENDRIX (1). Signed by Magistrate Judge Zia M. Faruqui on 5/25/2021. (bb) [1:21-mj-00446-ZMF] (Entered: 05/26/2021)
05/27/2021	<u>5</u>		Arrest Warrant Returned Executed on 5/27/2021 in Portland, Maine as to NICHOLAS PATRICK HENDRIX. (bb) [1:21-mj-00446-ZMF] (Entered: 05/28/2021)
05/27/2021			Case unsealed as to NICHOLAS PATRICK HENDRIX (bb) [1:21-mj-00446-ZMF] (Entered: 05/28/2021)
05/27/2021			Arrest of NICHOLAS PATRICK HENDRIX in Maine. (ztnr) [1:21-mj-00446-ZMF] (Entered: 06/01/2021)
05/28/2021	<u>26</u>		Rule 5(c)(3) Documents Received as to NICHOLAS P. HENDRIX from US District Court for the District of Maine Case Number 2:21-mj-135 (bb) (Entered: 10/21/2021)
06/03/2021			ORAL MOTION for Speedy Trial by USA as to NICHOLAS PATRICK HENDRIX. (ztl) [1:21-mj-00446-ZMF] (Entered: 06/03/2021)
06/03/2021			Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to NICHOLAS PATRICK HENDRIX held on 6/3/2021. Defendant present by video. Due process order given to the Government. Defendant placed on Standard Conditions of Release with modifications. Oral Motion by the Government for Speedy Trial as to NICHOLAS PATRICK HENDRIX (1); heard and granted. Defense did not object. Speedy Trial excluded from 6/3/2021 to 7/28/2021 in the Interest of Justice (XT). Defendant waives his right to a preliminary hearing. Status Hearing set for 7/28/2021 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: [2:31:36-2:48:10];Defense Attorney: David Beneman; US Attorney: Jacob Steiner for Clayton O'Conner; Pretrial Officer: Masharia Holman. (ztl) [1:21-mj-00446-ZMF] (Entered: 06/03/2021)
06/03/2021			ENTERED IN ERROR.....ORAL MOTION for Speedy Trial by USA as to NICHOLAS PATRICK HENDRIX. (ztl) Modified on 6/3/2021 (ztl). [1:21-mj-00446-ZMF] (Entered: 06/03/2021)
06/03/2021			ENTERED IN ERROR.....Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to NICHOLAS PATRICK HENDRIX held on 6/3/2021. Defendant present by video. Due process order

		given to the Government. Defendant placed on Standard Conditions of Release with modifications. Oral Motion by the Government for Speedy Trial as to as to NICHOLAS PATRICK HENDRIX (1); heard and granted. Defense did not object. Speedy Trial excluded from 6/3/2021 to 8/3/2021 in the Interest of Justice (XT). Defendant waives his right to a preliminary hearing. Status Hearing set for 8/3/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: FTR–Gold; FTR Time Frame: Ctrm 4; [2:18:29–2:31:33]; Defense Attorney: Joseph Conte; US Attorney: Jacob Steiner for Jennifer Rozzoni; Pretrial Officer: Masharia Holman. (ztl) Modified on 6/3/2021 (ztl). [1:21–mj–00446–ZMF] (Entered: 06/03/2021)
06/03/2021	<u>8</u>	ORDER Setting Conditions of Release as to NICHOLAS PATRICK HENDRIX (1) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqui on 6/3/2021. (Attachments: # <u>1</u> Appearance Bond) (ztl) [1:21–mj–00446–ZMF] (Entered: 06/04/2021)
06/23/2021	<u>9</u>	INFORMATION as to NICHOLAS P. HENDRIX (1) count(s) 1, 2, 3, 4. (zhsj) (Entered: 06/25/2021)
07/07/2021	<u>11</u>	Unopposed MOTION for Protective Order by USA as to NICHOLAS P. HENDRIX. (Attachments: # <u>1</u> Text of Proposed Order)(O'Connor, Clayton) (Entered: 07/07/2021)
07/07/2021	<u>12</u>	MOTION For An Order To Disclose Items Protected By Federal Rule Of Criminal Procedure 6(e) And Sealed Materials by USA as to NICHOLAS P. HENDRIX. (Attachments: # <u>1</u> Text of Proposed Order)(O'Connor, Clayton) Modified Event on 7/8/2021 (zhsj). (Entered: 07/07/2021)
07/21/2021		MINUTE ORDER as to NICHOLAS P. HENDRIX: The parties shall appear for an initial status and arraignment hearing on August 2, 2021 at 10:00 AM ET before Judge Colleen Kollar–Kotelly, via videoconference. The August 3, 2021 hearing previously scheduled is hereby vacated. Signed by Judge Colleen Kollar–Kotelly on July 21, 2021. (lcckk1) (Entered: 07/21/2021)
07/21/2021		Set/Reset Hearings as to NICHOLAS P. HENDRIX: Arraignment and Status Conference set for 8/2/2021 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar–Kotelly. (dot) (Entered: 07/21/2021)
07/22/2021	<u>13</u>	ENTERED IN ERROR.....Unopposed MOTION for Leave to Appear Appointed Attorney: David Beneman. by NICHOLAS P. HENDRIX. (Beneman, David) Modified on 7/23/2021 (zhsj). (Entered: 07/22/2021)
07/22/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to NICHOLAS P. HENDRIX re <u>13</u> Unopposed MOTION for Leave to Appear Appointed Attorney: David Beneman was entered in error and counsel was instructed to refile said pleading. Document to be Refiled as an Attorney Appearance. (zhsj) (Entered: 07/23/2021)
07/25/2021	<u>14</u>	NOTICE OF ATTORNEY APPEARANCE: David Beneman appearing for NICHOLAS P. HENDRIX (Beneman, David) (Entered: 07/25/2021)
07/28/2021	<u>15</u>	BRADY ORDER. Signed by Judge Colleen Kollar–Kotelly on July 28, 2021. (lcckk1) (Entered: 07/28/2021)
07/28/2021	<u>16</u>	

		PROTECTIVE ORDER. Signed by Judge Colleen Kollar-Kotelly on July 28, 2021. (lcckk1) (Entered: 07/28/2021)
07/28/2021	<u>17</u>	ORDER granting <u>12</u> Motion for Disclosure. Signed by Judge Colleen Kollar-Kotelly on July 28, 2021. (lcckk1) (Entered: 07/28/2021)
08/02/2021		<p>MINUTE ORDER as to NICHOLAS P. HENDRIX: The Court held a hearing in this case on August 2, 2021. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the hearing, the Court arraigned Defendant on his <u>9</u> Information. The Court also emphasized the government's Brady obligations in this case and directed the parties to the Court's <u>15</u> Brady Order, as well as Local Criminal Rule 5.1. Finally, the Court discussed the status of discovery in this case as well as the status of plea discussions between the parties. The parties shall appear for another status hearing for October 15, 2021 at 10:00 AM ET. Defendant has consented to proceeding with this forthcoming status hearing remotely via videoconference.</p> <p>During the August 2, 2021 hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, October 15, 2021. Therefore, the Court finds that a continuance of Defendant's Speedy Trial rights between August 2, 2021 and the date of the next status hearing on October 15, 2021 serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID-19 pandemic and because the continuance will give Defendant time to review discovery in this matter and consider any plea offers outstanding. Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is DECEMBER 20, 2021. The Court finds the 90-day deadline to be inapplicable, as Defendant has been released on personal recognizance. Signed by Judge Colleen Kollar-Kotelly on August 2, 2021. (lcckk1) (Entered: 08/02/2021)</p>
08/02/2021		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Arraignment as to NICHOLAS P. HENDRIX (1) as to Counts 1,2,3,4 held on 8/2/2021. Plea of Not Guilty entered as to Counts 1,2,3,4. Status Conference as to NICHOLAS P. HENDRIX held on 8/2/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 8/2/2021 to 10/15/2021. Status Conference set for 10/15/2021 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: David Beneman; US Attorney: Clayton H. O'Connor. (dot) (Entered: 08/02/2021)
08/03/2021	<u>19</u>	ENTERED IN ERROR.....NOTICE of Acceptance of Protective Order by NICHOLAS P. HENDRIX re <u>16</u> Order on Motion for Protective Order (Beneman, David) Modified on 8/4/2021 (zhsj). (Entered: 08/03/2021)
08/03/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to NICHOLAS P. HENDRIX re <u>19</u> Notice (Other) was entered in error and counsel was instructed to refile said pleading. Incorrect Format Pursuant to Local Rules.(zhsj) (Entered: 08/04/2021)
08/04/2021	<u>20</u>	TRANSCRIPT OF ARRAIGNMENT AND STATUS HEARING in case as to NICHOLAS P. HENDRIX before Judge Colleen Kollar-Kotelly held on August

		<p>2, 2021; Page Numbers: 1–13. Date of Issuance: August 4, 2021. Court Reporter/Transcriber Lisa Edwards. Telephone number (202) 354–3269. 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 8/25/2021. Redacted Transcript Deadline set for 9/4/2021. Release of Transcript Restriction set for 11/2/2021.(Edwards, Lisa) (Entered: 08/04/2021)</p>
08/05/2021	<u>21</u>	NOTICE of Acceptance of Protective Order by NICHOLAS P. HENDRIX re <u>16</u> Order on Motion for Protective Order (Attachments: # <u>1</u> Declaration Defendant's Acceptance of Discovery Protective Order)(Beneman, David) (Entered: 08/05/2021)
08/25/2021	<u>22</u>	NOTICE re: Status of Discovery by USA as to NICHOLAS P. HENDRIX (O'Connor, Clayton) (Entered: 08/25/2021)
09/10/2021		MINUTE ORDER as to NICHOLAS P. HENDRIX: Due to a scheduling conflict, the hearing set for October 15, 2021 is VACATED and CONTINUED for October 19, 2021 at 10:00 AM ET. The rescheduled hearing will still occur via videoconference, with login information to be emailed directly to the parties. Signed by Judge Colleen Kollar–Kotelly on September 10, 2021. (lcckk1) (Entered: 09/10/2021)
09/10/2021		Set/Reset Hearings as to NICHOLAS P. HENDRIX: Status Conference set for 10/19/2021 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar–Kotelly. (dot) (Entered: 09/10/2021)
09/16/2021	<u>23</u>	NOTICE STATUS OF DISCOVERY by USA as to NICHOLAS P. HENDRIX (O'Connor, Clayton) (Entered: 09/16/2021)
10/15/2021	<u>24</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Rochlin, Karen E. added. (Rochlin, Karen) (Entered: 10/15/2021)
10/19/2021		MINUTE ORDER as to NICHOLAS P. HENDRIX: The Court held a hearing in this case on October 19, 2021. With consent, and because of technical difficulties, Defendant was present via teleconference and represented by counsel, who appeared via videoconference. Counsel for the government also appeared via videoconference. During the hearing, the Court discussed the conditions of the Defendants conditions of release. Defendant must reschedule all required mental health assessments through pretrial services. The Court also discussed the status of discovery in this case as well as the status of plea

		<p>discussions between the parties. The parties shall appear for another status hearing for JANUARY 12, 2022 at 9:00 AM ET. Defendant has consented to proceeding with this forthcoming status hearing remotely via videoconference.</p> <p>During the October 19, 2021 hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, January 12, 2022. Moreover, in light of the ongoing COVID–19 pandemic and this Court's standing order, the Court finds that the exclusion of all time between July 28, 2021 and October 31, 2021 is also justified and in the interest of justice. See Standing Order No. 21–47 (BAH) (D.D.C. Aug. 25, 2021), at 78. Therefore, the Court finds that a continuance of Defendant's Speedy Trial rights between July 28, 2021 and the date of the next status hearing on January 12, 2022 serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID–19 pandemic and because the continuance will give Defendant time to review discovery in this matter and consider any plea offers outstanding. Taking into account this continuance, the Court has calculated that Defendant's new 70–day deadline is MARCH 23, 2022. The Court finds the 90–day deadline to be inapplicable, as Defendant has been released on personal recognizance. Signed by Judge Colleen Kollar–Kotelly on October 19, 2021. (lcckk1) (Entered: 10/19/2021)</p>
10/19/2021		<p>Minute Entry for videoconference proceedings held before Judge Colleen Kollar–Kotelly: Status Conference as to NICHOLAS P. HENDRIX held on 10/19/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 10/19/2021 to 1/12/2022. Status Conference set for 1/12/2022 at 9:00 AM via Telephonic/VTC before Judge Colleen Kollar–Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: David Beneman; US Attorney: Karen E. Rochlin and Clayton O'Connor. (dot) (Entered: 10/20/2021)</p>
10/22/2021	<u>27</u>	<p>NOTICE <i>Regarding Status of Discovery As Of October 21, 2021</i> by USA as to NICHOLAS P. HENDRIX (Rochlin, Karen) Modified event title on 10/28/2021 (znmw). (Entered: 10/22/2021)</p>
11/05/2021	<u>28</u>	<p>NOTICE <i>Regarding Status of Discovery as of November 5, 2021</i> by USA as to NICHOLAS P. HENDRIX (Rochlin, Karen) Modified event title on 11/9/2021 (znmw). (Entered: 11/05/2021)</p>
01/12/2022		<p>Minute Entry for videoconference proceedings held before Judge Colleen Kollar–Kotelly: Status Conference as to NICHOLAS P. HENDRIX held on 1/12/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 1/12/2022 to 4/29/2022. Status Conference set for 4/29/2022 at 11:30 AM via Telephonic/VTC before Judge Colleen Kollar–Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Sara Wick; Defense Attorney: David Beneman; US Attorney: Karen E. Rochlin. (dot) (Entered: 01/12/2022)</p>
01/13/2022		<p>MINUTE ORDER as to NICHOLAS P. HENDRIX: The Court held a hearing in this case on January 12, 2022. With consent, Defendant and his counsel were present by videoconference. Counsel for the government also appeared via videoconference. During the hearing, the Court discussed the status of discovery and plea discussions in this case. The parties indicated that they are engaged in</p>

		<p>active plea discussions. The parties shall appear for another status hearing on April 29, 2022 at 11:30 AM ET. Defendant has consented to proceeding with this forthcoming status hearing remotely via videoconference.</p> <p>During the January 12, 2022 hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, April 29, 2022. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights through April 29, 2022 serves the "ends of justice" and is in the best interest of the community and Defendant, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 21-79 (BAH) (D.D.C. Dec. 13, 2021), and will allow counsel for Defendant time to further review the voluminous discovery in this case. Taking into account this continuance, the 70-day deadline for Defendant is July 8, 2022. As Defendant is released on personal recognizance, the Court finds the 90-day deadline to be inapplicable. See 18 U.S.C. § 3164(a), (b).</p> <p>Signed by Judge Colleen Kollar-Kotelly on January 13, 2022. (lcckk1) (Entered: 01/13/2022)</p>
02/10/2022	<u>30</u>	STATUS REPORT <i>Regarding Status of Discovery As Of February 9, 2022</i> by USA as to NICHOLAS P. HENDRIX (Rochlin, Karen) (Entered: 02/10/2022)
02/17/2022	<u>31</u>	Unopposed MOTION date change from April 29, 2022 to April 18, 19 or 20, 2022 re Order,,,,,, by NICHOLAS P. HENDRIX. (Beneman, David) (Entered: 02/17/2022)
02/17/2022		MINUTE ORDER: Before the Court is Defendant's <u>31</u> Motion for Date Change. Defendant requests that the Court move the status hearing set for April 29, 2022 to April 18, 19, or 20 due to a scheduling conflict affecting his attorney. The government consents to the requested relief. Accordingly, and for good cause shown, Defendant's <u>31</u> Motion is GRANTED . The status hearing set for April 29, 2022 is VACATED and a status hearing is set for April 18, 2022 at 11:00 AM ET. The status hearing shall be conducted by videoconference. Signed by Judge Colleen Kollar-Kotelly on February 17, 2022. (lcckk1) (Entered: 02/17/2022)
02/17/2022		Set/Reset Hearings as to NICHOLAS P. HENDRIX: Status Conference set for 4/18/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 02/17/2022)
04/04/2022		MINUTE ORDER: Due to the fact that April 18, 2022 is a court recess day and in light of the parties' representations to Chambers, the status conference set for April 18, 2022 is CONTINUED to April 19, 2022 at 3:00 PM ET. The status conference shall proceed via videoconference. Signed by Judge Colleen Kollar-Kotelly on April 4, 2022. (lcckk1) (Entered: 04/04/2022)
04/04/2022		Set/Reset Hearings as to NICHOLAS P. HENDRIX: Status Conference set for 4/19/2022 at 3:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 04/05/2022)
04/19/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to NICHOLAS P. HENDRIX held on 4/19/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 4/19/2022 to 6/27/2022. Status Conference set for 6/27/2022 at 1:30 PM via

		Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: David Beneman; US Attorney: Karen E. Rochlin. (dot) (Entered: 04/19/2022)
04/19/2022		<p>MINUTE ORDER as to NICHOLAS P. HENDRIX: The Court held a status hearing in this case on April 19, 2022. With consent, Defendant and his counsel were present by videoconference. Counsel for the government also appeared via videoconference. During the hearing, the Court discussed the status of discovery and plea discussions in this case. The parties shall appear for another status/plea hearing on June 27, 2022 at 1:30 PM ET. Should Defendant accept a plea offer, the parties shall submit the plea materials on or before May 22, 2022, Defendant has consented to proceeding with this forthcoming status hearing remotely via videoconference.</p> <p>During the April 19, 2022 hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, June 27, 2022. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights through June 27, 2022 serves the "ends of justice" and is in the best interest of the community and Defendants, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order No. 22-07 (BAH) (D.D.C. Feb. 15, 2022), and will allow counsel for Defendant to further review the voluminous discovery in this case and continue the ongoing plea discussions. Taking into account this continuance, the 70-day deadline for both Defendants is September 5, 2022. As Defendant is released on personal recognizance, the Court finds the 90-day deadline to be inapplicable. See 18 U.S.C. § 3164(a), (b).</p> <p>Signed by Judge Colleen Kollar-Kotelly on April 19, 2022. (lcckk1) (Entered: 04/19/2022)</p>
06/13/2022	<u>32</u>	Unopposed MOTION to Permit <i>Prepayment of Financial Obligation</i> by NICHOLAS P. HENDRIX. (Beneman, David) (Entered: 06/13/2022)
06/21/2022	<u>33</u>	ORDER granting in part and denying in part <u>32</u> Motion to Permit as to NICHOLAS P. HENDRIX (1). See Order for details. Signed by Judge Colleen Kollar-Kotelly on June 21, 2022. (lcckk1) (Entered: 06/21/2022)
06/27/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Plea Agreement Hearing as to NICHOLAS P. HENDRIX held on 6/27/2022. Plea entered by NICHOLAS P. HENDRIX (1) Guilty as to Count 4. Not Guilty on counts 1, 2, 3. REFERRAL TO PROBATION OFFICE for Presentence Investigation as to NICHOLAS P. HENDRIX. Presentence Report due by 9/30/2022. Government's Sentencing Memorandum due by 10/14/2022. Defendant's Sentencing Memorandum due by 11/2/2022. Sentencing set for 12/9/2022 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Tim Miller; Defense Attorney: David Beneman; US Attorney: Karen E. Rochlin. (dot) (Entered: 06/27/2022)
06/27/2022	<u>35</u>	STATEMENT OF OFFENSE in Support of Plea Agreement by USA as to NICHOLAS P. HENDRIX. (dot) (Entered: 07/01/2022)
06/27/2022	<u>36</u>	

			PLEA AGREEMENT as to NICHOLAS P. HENDRIX. (dot) (Entered: 07/01/2022)
06/27/2022	<u>37</u>		WAIVER of Trial as to NICHOLAS P. HENDRIX. Approved by Judge Colleen Kollar-Kotelly on 6/27/22. (dot) (Entered: 07/01/2022)
10/14/2022	<u>41</u>		SENTENCING MEMORANDUM by USA as to NICHOLAS P. HENDRIX (Attachments: # <u>1</u> Exhibit Table of Sentences)(Rochlin, Karen) (Entered: 10/14/2022)
11/01/2022	<u>42</u>		SENTENCING MEMORANDUM by NICHOLAS P. HENDRIX (Attachments: # <u>1</u> Exhibit Defense Sentencing Exhibit)(Beneman, David) (Entered: 11/01/2022)
12/08/2022	<u>43</u>		NOTICE of Video Exhibits Provided for Sentencing by USA as to NICHOLAS P. HENDRIX (Rochlin, Karen) (Entered: 12/08/2022)
12/09/2022			Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Sentencing held on 12/9/2022 as to NICHOLAS P. HENDRIX (1). Count(s) 1, 2, 3, Dismissed on Oral Motion by the Government. Defendant sentenced on Count 4, to Thirty (30) days incarceration followed by a term of Three (3) years of Probation and a Special Assessment of \$10.00. Bond Status of Defendant: Personal Recognizance; Court Reporter: Cheryl Powell; Defense Attorney: David Beneman; US Attorney: Karen E. Rochlin; Prob Officer: Kelly Kraemer-Soares (standing in for Sherry Baker). (dot) (Entered: 12/13/2022)
12/20/2022	<u>44</u>		NOTICE OF APPEAL – Final Judgment by NICHOLAS P. HENDRIX Fee Status: No Fee Paid. Parties have been notified. (Beneman, David) (Entered: 12/20/2022)

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA)	
)	
v.)	1:21-cr-426-CKK
)	
NICHOLAS HENDRIX , defendant)	

NOTICE OF APPEAL

Notice is hereby given that **Nicholas Hendrix**, Defendant in the above-captioned matter hereby appeals to the United States Court of Appeals for the District of Colombia from the sentence entered in this matter on December 9, 2022. Specifically the court sentenced the defendant in this petty offense to both a period of incarceration and a period of probation in violation of 18 U.S.C. § 3561(a)(3). The issue is currently pending before the District of Columbia Court of Appeals in *U.S. v. Little*, #22-3018.

DATE: December 20, 2022

/s/ David Beneman
David Beneman
Attorney for Nicholas Hendrix

David Beneman
Federal Defender
P.O. Box 595
Portland, ME 04112-0595
207-553-7070 ext. 6921
David_Beneman@fd.org

CERTIFICATE OF SERVICE

I, **David Beneman**, attorney for **Nicholas Hendrix**, hereby certify that I have served, electronically, a copy of the within “**Notice of Appeal**” upon **Karen Rochlin**, Assistant United States Attorney, at karen.rochlin@usdoj.gov and all other counsel of record via the ECF system.

Date: December 20, 2022

/s/ David Beneman
David Beneman

MIME-Version:1.0
From:DCD_ECFNotice@dcd.uscourts.gov
To:DCD_ECFNotice@localhost.localdomain
Bcc:
--Case Participants: David Beneman (david_beneman@fd.org), Karen E. Rochlin (karen.rochlin@usdoj.gov)
--Non Case Participants: Kyle Cheney (kcheney@politico.com), Zoe M. Tillman (ztillman2@bloomberg.net), Marcy Wheeler (emptywheel@gmail.com), AUSA Document Clerk (adavis@usa.doj.gov, carolyn.carter-mckinley@usdoj.gov, usadc.criminaldocket@usdoj.gov, usadc.ecfhov@usdoj.gov), Pretrial Notification (psadistrictcourtgroup@psa.gov), Probation Court Notices (dcpdb_probation_court_notices@dcp.uscourts.gov)
--No Notice Sent:

Message-Id:8068058@dcd.uscourts.gov
Subject:Activity in Case 1:21-cr-00426-CKK USA v. HENDRIX Sentencing
Content-Type: text/html

U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 12/13/2022 at 11:37 AM EDT and filed on 12/9/2022

Case Name: USA v. HENDRIX
Case Number: 1:21-cr-00426-CKK
Filer:
Document Number: No document attached

Docket Text:

Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Sentencing held on 12/9/2022 as to NICHOLAS P. HENDRIX (1). Count(s) 1, 2, 3, Dismissed on Oral Motion by the Government. Defendant sentenced on Count 4, to Thirty (30) days incarceration followed by a term of Three (3) years of Probation and a Special Assessment of \$10.00. Bond Status of Defendant: Personal Recognizance; Court Reporter: Cheryl Powell; Defense Attorney: David Beneman; US Attorney: Karen E. Rochlin; Prob Officer: Kelly Kraemer-Soares (standing in for Sherry Baker). (dot)

1:21-cr-00426-CKK-1 Notice has been electronically mailed to:

Karen E. Rochlin karen.rochlin@usdoj.gov

David Beneman david_beneman@fd.org

1:21-cr-00426-CKK-1 Notice will be delivered by other means to::