

APPEAL,CAP,CAT B

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00496-TJK-1**

Case title: USA v. IBRAHIM

Magistrate judge case number: 1:21-mj-00516-ZMF

Date Filed: 07/28/2021

Assigned to: Judge Timothy J.
Kelly

Defendant (1)

MARK SAMI IBRAHIM

represented by **Darren Michael Richie**
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Pending Counts

18 U.S.C. 1752(a)(1) and
(b)(1)(A); TEMPORARY
RESIDENCE OF THE
PRESIDENT; Entering and
Remaining in a Restricted Building
or Grounds with a Deadly or
Dangerous Weapon
(1)

Disposition

40 U.S.C. 5104(d); VIOLENT
ENTRY AND DISORDERLY
CONDUCT ON CAPITOL
GROUNDS; Injuries to Property
(2)

40 U.S.C. 5104(e)(1)(A)(i);
VIOLENT ENTRY AND
DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Firearms
and Dangerous Weapons on
Capitol Grounds
(3)

Highest Offense Level (Opening)

Misdemeanor

Terminated Counts

18 U.S.C. 1001(a)(2);
STATEMENTS OR ENTRIES
GENERALLY; False Statements
and Representations
(4)

Disposition

Dismissed by Motion of Defendant

**Highest Offense Level
(Terminated)**

Felony

Complaints

COMPLAINT in Violation of
18:1001(a)(2), 18:1752(a)(1) and
(b)(1), 40:5104(d) and
40:5104(e)(1)(A)(i)

Disposition

Plaintiff

USA

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Date Filed	#	Docket Text
07/06/2021	<u>1</u>	SEALED COMPLAINT as to MARK SAMI IBRAHIM (1). (Attachments: # <u>1</u> Statement of Facts) (bb) [1:21-mj-00516-ZMF] (Entered: 07/08/2021)
07/06/2021	<u>3</u>	MOTION to Seal Case by USA as to MARK SAMI IBRAHIM. (Attachments: # <u>1</u> Text of Proposed Order)(bb) [1:21-mj-00516-ZMF] (Entered: 07/08/2021)
07/06/2021	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to MARK SAMI IBRAHIM (1). Signed by Magistrate Judge Zia M. Faruqui on 7/6/2021. (bb) [1:21-mj-00516-ZMF] (Entered: 07/08/2021)
07/20/2021	<u>5</u>	Arrest Warrant Returned Executed on 7/20/2021 in Washington, DC as to MARK SAMI IBRAHIM. (bb) [1:21-mj-00516-ZMF] (Entered: 07/20/2021)
07/20/2021		Case unsealed as to MARK SAMI IBRAHIM (bb) [1:21-mj-00516-ZMF] (Entered: 07/20/2021)
07/20/2021		Arrest of MARK SAMI IBRAHIM (bb) [1:21-mj-00516-ZMF] (Entered: 07/20/2021)
07/20/2021		ORAL MOTION for Speedy Trial by USA as to MARK SAMI IBRAHIM. (ztl) [1:21-mj-00516-ZMF] (Entered: 07/21/2021)
07/20/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Return on Arrest Warrant/Initial Appearance as to MARK SAMI IBRAHIM held on 7/20/2021. Defendant present by telephone. Due Process Order given to the Government. Defendant retained counsel. Defendant placed on Standard Conditions of Release. Oral Motion by the Government for Speedy Trial as to MARK SAMI IBRAHIM (1); heard and granted. Defense agreed to exclusion. Speedy Trial Excluded from 7/20/2021-9/20/2021 in the Interest of Justice (XT). Defendant waived right to Preliminary Hearing in 21 days. Status Hearing set for 9/20/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui. Bond Status of Defendant: Defendant Released/Release Issued; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [4:11:53-4:36:06]; Defense Attorney: Darrin Ritchie and Gretchen Gaspari; US Attorney: Jacob Steiner for James Peterson; Pretrial Officer: John Copes. (ztl) [1:21-mj-00516-ZMF] (Entered: 07/21/2021)
07/20/2021	<u>6</u>	ORDER Setting Conditions of Release as to MARK SAMI IBRAHIM (1) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqui on 7/20/2021. (Attachments: # <u>1</u> Appearance Bond) (ztl) [1:21-mj-00516-ZMF] (Entered: 07/21/2021)
07/28/2021	<u>7</u>	INDICTMENT as to MARK SAMI IBRAHIM (1) count(s) 1, 2, 3, 4. (zltp) (Entered: 07/30/2021)

08/02/2021		NOTICE OF HEARING as to MARK SAMI IBRAHIM: VTC Arraignment set for 8/19/2021 at 10:00 AM before Judge Timothy J. Kelly. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to appear. (zkh) (Entered: 08/02/2021)
08/03/2021	<u>9</u>	Consent MOTION for Protective Order <i>by Government</i> by USA as to MARK SAMI IBRAHIM. (Peterson, James) (Entered: 08/03/2021)
08/03/2021	<u>10</u>	ORDER as to MARK SAMI IBRAHIM (1) granting the Government's <u>9</u> Consent Motion for Protective Order. See Order for details. Signed by Judge Timothy J. Kelly on 8/3/2021. (lctjk1) (Entered: 08/03/2021)
08/17/2021	<u>11</u>	Consent MOTION for Disclosure <i>by Government</i> by USA as to MARK SAMI IBRAHIM. (Peterson, James) (Entered: 08/17/2021)
08/18/2021	<u>12</u>	ORDER granting the Government's <u>11</u> Consent Motion for Disclosure as to MARK SAMI IBRAHIM (1). See Order for details. Signed by Judge Timothy J. Kelly on 8/18/2021. (lctjk1) (Entered: 08/18/2021)
08/19/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to MARK SAMI IBRAHIM as to Counts 1, 2, 3, and 4 held on 8/19/2021. Defendant appeared by video. Plea of NOT GUILTY entered as to Counts 1, 2, 3, and 4. Speedy Trial Excludable (XT) started 8/19/2021 through 10/22/2021, in the interest of justice. VTC Status Conference set for 10/22/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorney: Gretchen Gaspari; US Attorney: James Dennis Peterson. (zkh) (Entered: 08/19/2021)
09/08/2021		MINUTE ORDER as to MARK SAMI IBRAHIM: Pursuant to the Due Process Protections Act, the Court hereby ORDERS that all government counsel shall review their disclosure obligations under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1, and comply with those provisions. The failure to comply could result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, continuances, Bar discipline, or any other remedy that is just under the circumstances. Signed by Judge Timothy J. Kelly on 9/8/2021. (lctjk1) (Entered: 09/08/2021)
10/15/2021	<u>14</u>	First STATUS REPORT <i>Regarding Discovery</i> by USA as to MARK SAMI IBRAHIM (Attachments: # <u>1</u> Exhibit Discovery Status Memo – 8/24/2021, # <u>2</u> Exhibit Discovery Status Memo – 7/12/2021, # <u>3</u> Exhibit Exhibit to Status memo – 7/12/2021)(Peterson, James) (Entered: 10/15/2021)
10/21/2021	<u>16</u>	Second STATUS REPORT <i>by Government Memo Re Status of Discovery</i> by USA as to MARK SAMI IBRAHIM (Peterson, James) (Entered: 10/21/2021)
10/22/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to MARK SAMI IBRAHIM held on 10/22/2021. Defendant appeared by video. Speedy Trial Excludable (XT) started 10/22/2021 through 11/22/2021, in the interest of justice. VTC Status Conference set for 11/22/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorney: Gretchen Gaspari; US Attorney: James Dennis Peterson. (zkh) (Entered: 10/22/2021)
11/05/2021	<u>17</u>	Supplemental STATUS REPORT <i>by Government Memo Re Status of Discovery</i> by USA as to MARK SAMI IBRAHIM (Peterson, James) (Entered: 11/05/2021)

11/22/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to MARK SAMI IBRAHIM held on 11/22/2021. Defendant appeared by video. Speedy Trial Excludable (XT) started 11/22/2021 through 1/18/2022, in the interest of justice. VTC Status Conference set for 1/18/2022 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorney: Gretchen Gaspari; US Attorney: James Dennis Peterson. (zkh) (Entered: 11/22/2021)
11/23/2021		MINUTE ORDER as to MARK SAMI IBRAHIM: It is hereby ORDERED that, if the parties decide to proceed with a plea hearing on January 18, 2022, they shall submit the following materials to the Court at Kelly_Chambers@dcd.uscourts.gov by January 11, 2022: (i) any written plea agreement; (ii) any superseding indictment or information; (iii) for each count to which Defendant intends to plead guilty, (a) the elements of the offense, (b) the factual proffer Defendant is prepared to acknowledge, (c) the applicable statutory minimum and maximum penalty, and (d) the estimated Guidelines offense level and range; and (iv) if Defendant is not a United States citizen, written notice as to whether Defendant will be pleading guilty to an "aggravated felony" as defined by 8 U.S.C. § 1101(a), which would subject Defendant to mandatory deportation. Signed by Judge Timothy J. Kelly on 11/23/2021. (lctjk1) (Entered: 11/23/2021)
12/08/2021	<u>19</u>	NOTICE OF ATTORNEY APPEARANCE: Darren Michael Richie appearing for MARK SAMI IBRAHIM (Richie, Darren) (Entered: 12/08/2021)
01/18/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to MARK SAMI IBRAHIM held on 1/18/2022. Defendant appeared by video. Speedy Trial Excludable (XT) started 1/18/2022 through 3/3/2022, in the interest of justice. VTC Status Conference/Motion Hearing set for 3/3/2022 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorneys: Darren Michael Richie and Marissa Hertzberg; US Attorney: James Dennis Peterson. (zkh) (Entered: 01/18/2022)
01/18/2022		MINUTE ORDER as to MARK SAMI IBRAHIM: Upon consideration of the parties' representations at the January 18, 2022 status conference, it is hereby ORDERED that any dispositive motions shall be filed by January 28, 2022; the Government shall file any opposition by February 11, 2022; and Defendant shall file any reply by February 18, 2022. Signed by Judge Timothy J. Kelly on 1/18/2022. (lctjk1) (Entered: 01/18/2022)
01/28/2022	<u>21</u>	MOTION to Dismiss Case by MARK SAMI IBRAHIM. (Attachments: # <u>1</u> Text of Proposed Order)(Richie, Darren) (Entered: 01/28/2022)
02/11/2022	<u>22</u>	Memorandum in Opposition by USA as to MARK SAMI IBRAHIM re <u>21</u> MOTION to Dismiss Case <i>Government Response in Opposition</i> (Peterson, James) (Entered: 02/11/2022)
02/18/2022	<u>23</u>	REPLY in Support by MARK SAMI IBRAHIM re <u>21</u> MOTION to Dismiss Case (Richie, Darren) (Entered: 02/18/2022)
02/23/2022	<u>24</u>	Supplemental STATUS REPORT by <i>Government Memo Re Status of Discovery</i> by USA as to MARK SAMI IBRAHIM (Peterson, James) (Entered: 02/23/2022)
03/03/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to MARK SAMI IBRAHIM held on 3/3/2022. Case also called for

		Motion Hearing but not held. Defendant appeared by video. Defendant's Motions due by 3/25/2022. Government's Response due by 4/8/2022. Defendant's Reply due by 4/15/2022. VTC Status Conference/Motion Hearing set for 5/4/2022 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorney: Darren Michael Richie; US Attorney: James Dennis Peterson. (zkh) (Entered: 03/03/2022)
03/25/2022	<u>26</u>	Supplemental MOTION to Dismiss Case by MARK SAMI IBRAHIM. (Attachments: # <u>1</u> Text of Proposed Order)(Richie, Darren) (Entered: 03/25/2022)
03/25/2022	<u>27</u>	MOTION to Compel <i>Discovery</i> by MARK SAMI IBRAHIM. (Attachments: # <u>1</u> Text of Proposed Order)(Richie, Darren) (Entered: 03/25/2022)
04/08/2022	<u>28</u>	RESPONSE by USA as to MARK SAMI IBRAHIM re <u>26</u> Supplemental MOTION to Dismiss Case <i>Response in Opposition</i> (Peterson, James) (Entered: 04/08/2022)
04/08/2022	<u>29</u>	RESPONSE by USA as to MARK SAMI IBRAHIM re <u>27</u> MOTION to Compel <i>Discovery Response in Opposition</i> (Attachments: # <u>1</u> Exhibit E-mail)(Peterson, James) (Entered: 04/08/2022)
04/15/2022	<u>30</u>	REPLY TO OPPOSITION to Motion by MARK SAMI IBRAHIM re <u>26</u> Supplemental MOTION to Dismiss Case (Richie, Darren) (Entered: 04/15/2022)
04/15/2022	<u>31</u>	REPLY TO OPPOSITION to Motion by MARK SAMI IBRAHIM re <u>27</u> MOTION to Compel <i>Discovery</i> (Richie, Darren) (Entered: 04/15/2022)
04/21/2022	<u>32</u>	NOTICE OF ATTORNEY APPEARANCE: Marina Medvin appearing for MARK SAMI IBRAHIM (Medvin, Marina) (Entered: 04/21/2022)
04/22/2022	<u>33</u>	NOTICE OF SUBSTITUTION OF COUNSEL Attorney Medvin, Marina added. (Medvin, Marina) (Entered: 04/22/2022)
05/04/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to MARK SAMI IBRAHIM held on 5/4/2022. Case called for Motion Hearing, but not held. Defendant appeared by video. Speedy Trial Excludable (XT) started 5/4/2022 through 6/30/2022, in the interest of justice. Any supplemental filing by defendant due by 6/9/2022. Government Response due by 6/23/2022. VTC Motion Hearing set for 6/30/2022 at 11:00 AM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorney: Marina Medvin; US Attorney: James Dennis Peterson. (zkh) (Entered: 05/04/2022)
06/09/2022	<u>35</u>	MOTION to Modify / <i>Remove Designation of HIGHLY SENSITIVE On Limited Materials Used in Defendants Filing</i> by MARK SAMI IBRAHIM. (Medvin, Marina) (Entered: 06/09/2022)
06/09/2022	<u>37</u>	MOTION for Discovery of <i>Selective Prosecution</i> by MARK SAMI IBRAHIM. (Attachments: # <u>1</u> Redacted Memorandum in Support, # <u>2</u> Defense Exhibit 1, # <u>3</u> Defense Exhibit 2)(Medvin, Marina) (Entered: 06/09/2022)
06/23/2022	<u>38</u>	RESPONSE by USA as to MARK SAMI IBRAHIM re <u>37</u> MOTION for Discovery of <i>Selective Prosecution Response in Opposition</i> (Peterson, James) (Entered: 06/23/2022)
06/23/2022	<u>39</u>	RESPONSE by USA as to MARK SAMI IBRAHIM re <u>35</u> MOTION to Modify / <i>Remove Designation of HIGHLY SENSITIVE On Limited Materials Used in Defendants Filing Response in Opposition</i> (Peterson, James) (Entered: 06/23/2022)

06/24/2022	<u>41</u>	REPLY TO OPPOSITION to Motion by MARK SAMI IBRAHIM re <u>37</u> MOTION for Discovery of <i>Selective Prosecution</i> (Medvin, Marina) (Entered: 06/24/2022)
06/27/2022	<u>42</u>	REPLY TO OPPOSITION to Motion by MARK SAMI IBRAHIM re <u>35</u> MOTION to Modify /Remove Designation of <i>HIGHLY SENSITIVE On Limited Materials Used in Defendants Filing</i> (Medvin, Marina) (Main Document 42 replaced on 6/27/2022) (zltp). (Entered: 06/27/2022)
06/30/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to MARK SAMI IBRAHIM held on 6/30/2022. Defendant appeared by video. Oral Motion by defendant to withdraw without prejudice <u>21</u> MOTION to Dismiss Case and <u>26</u> Supplemental MOTION to Dismiss Case, heard and GRANTED. Oral argument on defendant's <u>35</u> MOTION to Modify/Remove and on defendant's <u>37</u> MOTION for Discovery, heard and taken under advisement. Speedy Trial Excludable (XT) started 6/30/2022 through 7/28/2022, in the interest of justice. VTC Status Conference set for 7/28/2022 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorney: Marina Medvin; US Attorney: James Dennis Peterson. (zkh) (Entered: 06/30/2022)
07/05/2022		MINUTE ORDER as to MARK SAMI IBRAHIM granting in part and denying in part Defendant's <u>35</u> Motion to Remove Designation of "HIGHLY SENSITIVE" On Limited Materials Used in Defendant's Filing. Before the Court is a motion that effectively requests that the Court unseal on the public docket passages from (1) the DEA Agents Manual and (2) a transcript reflecting testimony before the Grand Jury. Defendant relies on these materials to support his motion for discovery on his selective prosecution claim, and they are currently redacted from the publicly docketed version of his motion. The Government does not object to the public disclosure of the quoted passage from the DEA Agents Manual, so Defendant's request will be granted with respect to that passage. As for disclosing passages from the grand jury transcript, the framework for this analysis is not provided by <i>United States v. Hubbard</i> , 650 F.2d 293 (D.C. Cir. 1980), as this Court initially thought, but by Federal Rule of Criminal Procedure 6(e). <i>See United States v. Sutton</i> , No. 21-cr-598 (PLF), 2021 WL 5999407, at *3 (D.D.C. Dec. 20, 2021). Thus, disclosure must fall under one of the Rule's exceptions to the general requirement that disclosing grand jury materials is prohibited. <i>See McKeever v. Barr</i> , 920 F.3d 842, 845 (D.C. Cir. 2019). Defendant cites two: Rule 6(e)(3)(E)(i), which allows disclosure of a grand-jury matter when the "primary purpose of disclosure is...to assist in preparation or conduct of a judicial proceeding," <i>United States v. Baggot</i> , 463 U.S. 476, 480 (1983), and Rule 6(e)(3)(E)(ii), which allows disclosure of the same "at the request of a defendant who shows that a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury," Fed. R. Crim. P. 6(e)(3)(E)(ii). The Court does not find that there are grounds for public disclosure under either of those exceptions. <i>See United States v. Sutton</i> , No. 21-cr-598 (PLF), 2021 WL 5999385, at *2 (D.D.C. Oct. 21, 2021); <i>United States v. Fisher</i> , No. 15-cr-19, ECF No. 188 (W.D.N.Y. Aug. 4, 2017). Both exceptions require the party seeking disclosure to show that there is a "particularized need" for the disclosure. <i>See Sutton</i> , 2021 WL 5999385, at *2; <i>United States v. Naegele</i> , 474 F. Supp. 2d 9, 10 (D.D.C. 2007). And Defendant has shown no such need for disclosure to the public. In fact, he has pointed to no case in which a court has ordered the public disclosure of such materials under these circumstances. And he points to no case holding that the Constitution requires the same. Accordingly, at least at this point, Defendant's request to unseal on the public docket passages from the grand jury transcript will be denied. Thus, it is hereby ORDERED that Defendant's

		motion is GRANTED IN PART AND DENIED IN PART. Defendant is permitted to file on the public docket a version of his motion that does not redact the relevant passage from the DEA Agents Manual, but that keeps redacted all passages reflecting testimony before the Grand Jury. Signed by Judge Timothy J. Kelly on 7/4/2022. (lctjk1) (Entered: 07/05/2022)
07/05/2022		MINUTE ORDER as to MARK S. IBRAHIM granting Defendant's Oral Motion to Withdraw. It is hereby ORDERED that, for the reasons discussed on the record at the last hearing, Defendant's oral motion to withdraw his motion to dismiss, ECF No. 21, and supplemental motion to dismiss, ECF No. 26, without prejudice to reraising the arguments contained therein, is hereby GRANTED. Signed by Judge Timothy J. Kelly on 7/5/2022. (lctjk1) (Entered: 07/05/2022)
07/05/2022	<u>44</u>	REDACTED DOCUMENT by MARK SAMI IBRAHIM to <u>37</u> MOTION for Discovery of <i>Selective Prosecution</i> filed by MARK SAMI IBRAHIM of Memorandum in Support of Motion for Discovery on Equal Protection Grounds for Selective Prosecution (Medvin, Marina) (Entered: 07/05/2022)
07/22/2022	<u>45</u>	SUPPLEMENT by MARK SAMI IBRAHIM to <u>37</u> MOTION for Discovery of <i>Selective Prosecution</i> (Medvin, Marina) (Entered: 07/22/2022)
07/25/2022	<u>46</u>	SUPPLEMENT re <u>45</u> by USA as to MARK SAMI IBRAHIM <i>Response to Supplemental Filing (ECF No. 45)</i> (Attachments: # <u>1</u> Exhibit E-mail re Discovery, # <u>2</u> Exhibit E-mail re SA statement)(Peterson, James) Modified to add link on 7/27/2022 (znmw). (Entered: 07/25/2022)
07/28/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to MARK SAMI IBRAHIM held on 7/28/2022. Defendant appeared by video. For the reasons stated on the record, Defendant's <u>27</u> MOTION to Compel is GRANTED IN PART AND DENIED IN PART, and Defendant's <u>37</u> MOTION for Discovery is DENIED. Speedy Trial Excludable (XT) started 7/28/2022 through 10/27/2022, in the interest of justice. VTC Status Conference set for 10/27/2022 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorney: Marina Medvin; US Attorney: James Dennis Peterson. (zkh) (Entered: 07/28/2022)
08/18/2022	<u>47</u>	MOTION to Dismiss Count <i>One</i> by MARK SAMI IBRAHIM. (Medvin, Marina) (Entered: 08/18/2022)
08/18/2022	<u>48</u>	MOTION to Dismiss Count <i>Three</i> by MARK SAMI IBRAHIM. (Medvin, Marina) (Entered: 08/18/2022)
08/18/2022	<u>49</u>	MOTION to Dismiss Count <i>Four</i> [REDACTED] by MARK SAMI IBRAHIM. (Medvin, Marina) (Entered: 08/18/2022)
08/24/2022	<u>51</u>	MOTION for Hearing on Defendant's Motions to Dismiss the Indictment by MARK SAMI IBRAHIM. (Medvin, Marina) (Entered: 08/24/2022)
09/01/2022	<u>52</u>	MOTION to Strike Portions of the Indictment by USA as to MARK SAMI IBRAHIM. (Attachments: # <u>1</u> Exhibit James Declaration, # <u>2</u> Exhibit Exhibit A1, # <u>3</u> Exhibit Jolly Declaration)(Peterson, James) Modified text and event type on 9/13/2022 (zltp). (Entered: 09/01/2022)
09/01/2022	<u>53</u>	Memorandum in Opposition by USA as to MARK SAMI IBRAHIM re <u>49</u> Motion to dismiss count(s) <i>Count Four – Venue – 1001 Charge</i> (Peterson, James) (Entered: 09/01/2022)

09/01/2022	<u>54</u>	Memorandum in Opposition by USA as to MARK SAMI IBRAHIM re <u>48</u> Motion to dismiss count(s) <i>Opposition to MTD Count Three – Mens Rea</i> (Attachments: # <u>1</u> Exhibit House Debate – CR – 10 19 1967, # <u>2</u> Exhibit Senate Debate – CR – 10 5 1967, # <u>3</u> Exhibit House Committee Hearing, # <u>4</u> Exhibit Senate Report, # <u>5</u> Exhibit House Report, # <u>6</u> Exhibit Senate Committee Hearing)(Peterson, James) (Entered: 09/01/2022)
09/01/2022	<u>55</u>	Memorandum in Opposition by USA as to MARK SAMI IBRAHIM re <u>47</u> Motion to dismiss count(s) <i>Opposition to MTD – Count One</i> (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit Exhibit A 1, # <u>3</u> Exhibit Declaration)(Peterson, James) (Entered: 09/01/2022)
09/02/2022		MINUTE ORDER: Upon consideration of the Government's <u>52</u> Motion to Amend/Correct, it is hereby ORDERED that Defendant shall file any response by September 8, 2022. Signed by Judge Timothy J. Kelly on 9/2/2022. (lctjk1) (Entered: 09/02/2022)
09/06/2022	<u>56</u>	Memorandum in Opposition by MARK SAMI IBRAHIM re <u>52</u> Motion to Amend/Correct (Medvin, Marina) (Entered: 09/06/2022)
09/13/2022		MINUTE ORDER as to MARK SAMI IBRAHIM granting in part and denying in part Defendant's <u>51</u> Motion for Hearing. It is hereby ORDERED that Defendant's <u>51</u> Motion for Hearing on Defendant's Motion to Dismiss the Indictment is DENIED IN PART, to the extent he requests a hearing date of September 15, 2022. To the extent Defendant requests a hearing at another time, the <u>51</u> Motion is GRANTED. The Court will contact the parties promptly to schedule a hearing at a time convenient for the parties and the Court. Signed by Judge Timothy J. Kelly on 9/13/2022. (lctjk1) (Entered: 09/13/2022)
09/13/2022		NOTICE OF HEARING as to MARK SAMI IBRAHIM: VTC Motion Hearing set for 10/7/2022 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 09/13/2022)
09/20/2022	<u>57</u>	NOTICE of Supplemental Authority by MARK SAMI IBRAHIM re <u>48</u> MOTION to Dismiss Count Three (Attachments: # <u>1</u> Exhibit A)(Medvin, Marina) (Entered: 09/20/2022)
10/07/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to MARK SAMI IBRAHIM held on 10/7/2022. Defendant appeared by video. Oral argument heard on Defendant's <u>47</u> <u>48</u> and <u>49</u> MOTIONS to Dismiss, and taken under advisement. Government's Submission due by 10/14/2022. Defendant's Response due by 10/21/2022. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorney: Marina Medvin; US Attorneys: James Dennis Peterson and James Pearce. (zkh) (Entered: 10/07/2022)
10/14/2022	<u>58</u>	RESPONSE by USA as to MARK SAMI IBRAHIM re <u>48</u> MOTION to Dismiss Count Three <i>Supplemental Opposition to MTD Count 3</i> (Peterson, James) (Entered: 10/14/2022)
10/20/2022	<u>59</u>	REPLY TO OPPOSITION to Motion by MARK SAMI IBRAHIM re <u>48</u> MOTION to Dismiss Count Three (Medvin, Marina) (Entered: 10/20/2022)
10/27/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to MARK SAMI IBRAHIM held on 10/27/2022. Defendant appeared by video. For the reasons stated on the record, Defendant's <u>47</u> MOTION to Dismiss Count One is DENIED, Defendant's <u>48</u> MOTION to Dismiss Count Three is DENIED

		IN PART AND RESERVED IN PART, Defendant's <u>49</u> and <u>50</u> MOTIONS to Dismiss Count Four are GRANTED, and the Government's <u>52</u> MOTION to Strike is GRANTED. Speedy Trial Excludable (XT) started 10/27/22 through 11/30/2022, in the interest of justice. VTC Status Conference/Oral Ruling set for 11/30/2022 at 11:30 AM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Jeffrey Hook; Defense Attorney: Marina Medvin; US Attorneys: James Dennis Peterson and James Pearce;. (zkh) (Entered: 10/27/2022)
10/28/2022		MINUTE ORDER as to MARK SAMI IBRAHIM: For the reasons stated on the record at yesterday's hearing, it is hereby ORDERED that Defendant's <u>47</u> Motion to Dismiss Count One is DENIED; Defendant's <u>48</u> Motion to Dismiss Count Three IS DENIED IN PART; Defendant's <u>49</u> and <u>50</u> Motions to Dismiss Count Four are GRANTED; and the Government's <u>52</u> Motion to Strike is GRANTED. Count One of the indictment is hereby amended to strike the phrase "where the Vice President and Vice President-elect were temporarily visiting" and replace it with "where the Vice President was temporarily visiting." Signed by Judge Timothy J. Kelly on 10/28/2022. (lctjk1) (Entered: 10/28/2022)
10/28/2022		DISMISSAL OF COUNT 4 on Motion of MARK SAMI IBRAHIM. (zltf) (Entered: 11/03/2022)
11/02/2022	<u>61</u>	MOTION to Dismiss Count <i>Three for Lawful Authorization by the Capitol Police Board</i> by MARK SAMI IBRAHIM. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Medvin, Marina) (Entered: 11/02/2022)
11/16/2022	<u>62</u>	RESPONSE by USA as to MARK SAMI IBRAHIM re <u>61</u> MOTION to Dismiss Count <i>Three for Lawful Authorization by the Capitol Police Board Response in Opposition</i> (Attachments: # <u>1</u> Exhibit Police Board Regs, # <u>2</u> Exhibit James Declaration, # <u>3</u> Exhibit Caceres Declaration)(Peterson, James) (Entered: 11/16/2022)
11/22/2022	<u>63</u>	REPLY TO OPPOSITION to Motion by MARK SAMI IBRAHIM re <u>61</u> MOTION to Dismiss Count <i>Three for Lawful Authorization by the Capitol Police Board</i> (Medvin, Marina) (Entered: 11/22/2022)
11/30/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to MARK SAMI IBRAHIM held on 11/30/2022. Defendant appeared by video. Additional Motions due by 12/21/2022. Responses due by 1/11/2023. Replies due by 1/18/2023. VTC Status Conference/Oral Ruling set for 2/3/2023 at 2:30 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorney: Marina Medvin; US Attorneys: James Dennis Peterson and James Pearce. (zkh) (Entered: 11/30/2022)
12/02/2022	<u>65</u>	NOTICE of Supplemental Authority by USA as to MARK SAMI IBRAHIM re <u>61</u> MOTION to Dismiss Count <i>Three for Lawful Authorization by the Capitol Police Board</i> (Attachments: # <u>1</u> Exhibit USA v Pritchett, # <u>2</u> Exhibit Cong Rec 29391)(Peterson, James) (Entered: 12/02/2022)
12/21/2022	<u>66</u>	NOTICE of Supplemental Authority and Motion to Reconsider Partial Ruling by MARK SAMI IBRAHIM re <u>48</u> MOTION to Dismiss Count <i>Three</i> (Medvin, Marina) (Entered: 12/21/2022)
12/21/2022	<u>68</u>	MOTION for Reconsideration by MARK SAMI IBRAHIM. (See docket entry <u>66</u> to view document.) (zstd) (Entered: 12/28/2022)

12/27/2022	<u>67</u>	RESPONSE by MARK SAMI IBRAHIM re <u>65</u> Governments Supplemental Authority (Medvin, Marina) Modified to add link on 12/28/2022 (zstd). (Entered: 12/27/2022)
01/04/2023	<u>69</u>	Memorandum in Opposition by USA as to MARK SAMI IBRAHIM re 68 Motion for Reconsideration <i>Response in Opposition</i> (Peterson, James) (Entered: 01/04/2023)
01/27/2023	<u>70</u>	<p>TRANSCRIPT OF VTC STATUS CONFERENCE in case as to MARK SAMI IBRAHIM before Judge Timothy J. Kelly held on October 27, 2022. Page Numbers: 1 – 70. Date of Issuance: January 27, 2023. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. 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 2/17/2023. Redacted Transcript Deadline set for 2/27/2023. Release of Transcript Restriction set for 4/27/2023.(Hook, Jeff) (Entered: 01/27/2023)</p>
02/01/2023	<u>72</u>	NOTICE OF ATTORNEY APPEARANCE Nathaniel Karl Whitesel appearing for USA. (Whitesel, Nathaniel) (Entered: 02/01/2023)
02/03/2023	<u>73</u>	MOTION for Disclosure of <i>Privacy Act Documents – DEA Records</i> by USA as to MARK SAMI IBRAHIM. (Peterson, James) (Entered: 02/03/2023)
02/03/2023		NOTICE OF HEARING as to MARK SAMI IBRAHIM: The VTC Status Conference/Oral Ruling currently set for 2/3/2023 is RESCHEDULED for 3/3/2023 at 3:30 PM before Judge Timothy J. Kelly. (zkh) (Entered: 02/03/2023)
02/10/2023	<u>74</u>	REPLY TO OPPOSITION to Motion by MARK SAMI IBRAHIM re <u>73</u> MOTION for Disclosure of <i>Privacy Act Documents – DEA Records</i> (Medvin, Marina) (Entered: 02/10/2023)
02/17/2023	<u>75</u>	REPLY TO OPPOSITION to Motion by USA as to MARK SAMI IBRAHIM re <u>73</u> MOTION for Disclosure of <i>Privacy Act Documents – DEA Records</i> (Peterson, James) (Entered: 02/17/2023)
03/03/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Oral Ruling/Status Conference as to MARK SAMI IBRAHIM held on 3/3/2023. Defendant appeared by video. For the reasons stated on the record, Defendant's <u>48</u> MOTION to Dismiss Count, <u>61</u> MOTION to Dismiss Count, and 68 MOTION for Reconsideration are all DENIED. Speedy Trial Excludable (XT) started 3/3/2023 through 5/5/2023, in the interest of justice. VTC Status Conference set for 5/5/2023 at 11:30 AM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Elizabeth Saint–Loth; Defense Attorney: Marina Medvin; US Attorneys: James Dennis Peterson and Nathaniel Karl Whitesel. (zkh) (Entered: 03/03/2023)

03/07/2023	<u>77</u>	NOTICE of Proposed Order by USA as to MARK SAMI IBRAHIM re <u>73</u> MOTION for Disclosure of <i>Privacy Act Documents – DEA Records</i> (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Peterson, James) (Entered: 03/07/2023)
03/16/2023	<u>78</u>	NOTICE OF APPEAL (Interlocutory) by MARK SAMI IBRAHIM re Status Conference,,, Speedy Trial – Excludable Start,,, Set Hearings,,, Filing fee \$ 505, receipt number ADCDC-9933209. Fee Status: Fee Paid. Parties have been notified. (Medvin, Marina) (Main Document 78 replaced on 3/17/2023) (zltp). (Entered: 03/16/2023)
03/17/2023	<u>79</u>	ORDER as to MARK SAMI IBRAHIM granting the Government's <u>73</u> Motion for Disclosure of Privacy Act Documents. See Order for details. Signed by Judge Timothy J. Kelly on 3/17/2023. (lctjk1) (Entered: 03/17/2023)

United States District Court for the District of Columbia

UNITED STATES OF AMERICA

vs.

Mark S. Ibrahim

Criminal No. 1:21-cr-00496-TJK

NOTICE OF APPEAL

Name and address of appellant: Mark Sami Ibrahim

Name and address of appellant's attorney: Marina Medvin, Esq.
MEDVIN LAW PLC
916 Prince Street
Ste 109
Alexandria, VA 22314

Offense: 40 U.S.C. § 5104(e)(1)(A)(i)

Concise statement of judgment or order, giving date, and any sentence:

Orders, announced orally in court on March 3, 2023, denying Defendant's two motions to dismiss Count Three of the Indictment filed as ECF No. 48 and ECF No. 61

Name and institution where now confined, if not on bail:

I, the above named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment.

3/10/23
DATE

Mark S. Ibrahim
APPELLANT

mm
ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE ☐
CJA, NO FEE ☐
PAID USDC FEE ☐
PAID USCA FEE ☐

Does counsel wish to appear on appeal?

YES ☒

NO ☐

Has counsel ordered transcripts?

YES ☒

NO ☐

Is this appeal pursuant to the 1984 Sentencing Reform Act?

YES ☐

NO ☒