

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00619-BAH-1**

Case title: USA v. HERRERA

Date Filed: 10/06/2021

Magistrate judge case number: 1:21-mj-00556-GMH

Assigned to: Chief Judge Beryl A. Howell

Defendant (1)**ERIK HERRERA**represented by **Jonathan Kenji Ogata**

FEDERAL PUBLIC DEFENDER

411 West Fourth Street

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Santa Ana, CA 92701

714-338-4500

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LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Public Defender or Community Defender Appointment***Pending Counts**

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

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

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

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building (4)

40:5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building (5)

Disposition**Highest Offense Level (Opening)**

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

COMPLAINTS in VIOLATION of 18 U.S.C. § 1752(a)(1); 40 U.S.C. § 5104(e)(2); 18 U.S.C. § 1512(c)(2)

Disposition**Plaintiff****USA**represented by **John Witherspoon Borchert**

U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA

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LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Assistant U.S. Attorney*

| Date Filed | # | Docket Text |
|------------|--------------------------|---|
| 08/06/2021 | <u>1</u> | SEALED COMPLAINT as to ERIK HERRERA (1). (Attachments: # <u>1</u> Statement of Facts) (zltp) [1:21-mj-00556-GMH] (Entered: 08/09/2021) |
| 08/06/2021 | <u>2</u> | MOTION to Seal Case by USA as to ERIK HERRERA. (Attachments: # <u>1</u> Text of Proposed Order)(zltp) [1:21-mj-00556-GMH] (Entered: 08/09/2021) |
| 08/06/2021 | <u>4</u> | ORDER granting <u>2</u> Motion to Seal Case as to ERIK HERRERA (1). Signed by Magistrate Judge G. Michael Harvey on 8/6/2021. (zltp) [1:21-mj-00556-GMH] (Entered: 08/09/2021) |
| 08/19/2021 | | Arrest of ERIK HERRERA (1). (ztl) [1:21-mj-00556-GMH] (Entered: 09/12/2021) |
| 08/19/2021 | <u>5</u> | Arrest Warrant Returned Executed on 8/19/2021 as to ERIK HERRERA (1) in Los Angeles, CA. (ztl) [1:21-mj-00556-GMH] (Entered: 09/12/2021) |
| 09/02/2021 | | MINUTE ORDER as to Defendant ERIK HERRERA : It is hereby ORDERED that Defendant ERIK HERRERA appear for an initial appearance on Thursday, September 9, 2021 at 1:00 p.m. before Magistrate Judge Zia M. Faruqui. The hearing will be conducted by video teleconference; call-in instructions will be provided to counsel prior to the hearing. Counsel for the United States is directed to ensure that counsel for Defendant has received this Order and will provide the information to Defendant. If Defendant does not have counsel, counsel for the United States is directed to contact the Office of the Federal Public Defender for the District of Columbia and provide their office with the information contained in this Order. If the parties have questions about this Order or the scheduled hearing, please contact the Courtroom Deputy at 202-354-3173; So Ordered by Magistrate Judge Zia M. Faruqui on 9/2/2021. (zkk) [1:21-mj-00556-GMH] (Entered: 09/02/2021) |
| 09/09/2021 | | Case unsealed as to ERIK HERRERA (1). (ztl) [1:21-mj-00556-GMH] (Entered: 09/12/2021) |

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| 09/09/2021 | | ORAL MOTION to Unseal Case by USA as to ERIK HERRERA (1). (ztl) [1:21-mj-00556-GMH] (Entered: 09/12/2021) |
| 09/09/2021 | | ORAL MOTION for Speedy Trial by USA as to ERIK HERRERA (1). (ztl) [1:21-mj-00556-GMH] (Entered: 09/12/2021) |
| 09/09/2021 | | Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Initial Appearance as to ERIK HERRERA (2) held on 9/9/2021. Defendant present by video. Due Process Order given to the Government. Oral Motion by the Government to Unseal Case as to ERIK HERRERA (2); heard and grant. Defendant placed on Standard Conditions of Release. Defendant waives his right to a Preliminary Hearing in 21 days. Oral Motion by the Government for Speedy Trial as to ERIK HERRERA (2); heard and granted. Defense consents to exclusion. Speedy Trial Excluded from 9/9/2021 to 11/2/2021 in the Interest of Justice (XT). Preliminary Hearing set for 11/2/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defenat Remain on Personal Recognizance; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [1:45:42-2:07:10]; Defense Attorney: Jonathan Ogata-FPD-CA; US Attorney: Kelly Smith for John Borchert; Pretrial Officer: Christine Schuck. (ztl) [1:21-mj-00556-GMH] (Entered: 09/12/2021) |
| 09/10/2021 | 6 | ORDER Setting Conditions of Release as to ERIK HERRERA (1) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqi on 9/10/2021. (Attachment: # 1 Appearance Bond) (ztl) [1:21-mj-00556-GMH] (Entered: 09/14/2021) |
| 10/06/2021 | 8 | INDICTMENT as to ERIK HERRERA (1) count(s) 1, 2, 3, 4, 5. (bb) (Entered: 10/06/2021) |
| 10/07/2021 | | NOTICE OF HEARING as to ERIK HERRERA. The parties shall take notice that an Arraignment/Status Hearing is scheduled for 10/15/2021, at 11:00 AM before Chief Judge Beryl A. Howell. (ztg) (Entered: 10/07/2021) |
| 10/07/2021 | 10 | STANDING ORDER. Signed by Chief Judge Beryl A. Howell on October 7, 2021. (lcbah3) (Entered: 10/07/2021) |
| 10/12/2021 | 11 | NOTICE OF ATTORNEY APPEARANCE: Jonathan Kenji Ogata appearing for ERIK HERRERA (Ogata, Jonathan) (Entered: 10/12/2021) |
| 10/15/2021 | 12 | NOTICE of Filing by USA as to ERIK HERRERA (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit)(Borchert, John) (Entered: 10/15/2021) |
| 10/15/2021 | | Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Arraignment/Initial Status Hearing as to ERIK HERRERA held via videoconference on 10/15/2021; the Defendant agreed to participate via videoconference after consultation with counsel. Defendant arraigned on Count 1, 2, 3, 4, and 5 of the Indictment filed on 10/6/2021; reading of the Indictment waived; plea of not guilty to all counts entered by the Defendant. A Status Hearing is scheduled for 11/19/2021, at 9:15 AM, Eastern Time, before Chief Judge Beryl A. Howell. Time excluded under the Speedy Trial Act from 10/15/2021 through 11/19/2021, in the interests of justice and those interests outweigh the interests of the public and the defendant in a speedy trial in order to allow the parties to discuss a resolution short of trial. Bond Status of Defendant: Personal Recognizance. Present: Defense Attorney: Jonathan K. Ogata; US Attorney: John W. Borchert; Pretrial Officer: Christine Schuck (telephonically). Court Reporter: Elizabeth Saint-Loth. (ztg) (Entered: 10/15/2021) |
| 10/27/2021 | 13 | STATUS REPORT <i>Regarding Discovery as of October 21, 2021</i> by USA as to ERIK HERRERA (Borchert, John) (Entered: 10/27/2021) |
| 10/27/2021 | 14 | Unopposed MOTION for Protective Order <i>Regarding Discovery</i> by USA as to ERIK HERRERA. (Attachments: # 1 Text of Proposed Order)(Borchert, John) (Entered: 10/27/2021) |
| 10/27/2021 | | MINUTE ORDER granting 14 Motion for Protective Order as to ERIK HERRERA (1). Signed by Chief Judge Beryl A. Howell on 10/27/2021. (ztg) (Entered: 10/27/2021) |
| 10/27/2021 | 15 | PROTECTIVE ORDER as to ERIK HERRERA. Signed by Chief Judge Beryl A. Howell on October 27, 2021. (lcbah1) (Entered: 10/27/2021) |
| 11/18/2021 | 16 | Unopposed MOTION to Continue <i>Status Hearing and Exlude Time Under the Speedy Trial Act</i> by USA as to ERIK HERRERA. (Attachments: # 1 Text of Proposed Order)(Borchert, John) (Entered: 11/18/2021) |
| 11/18/2021 | | MINUTE ORDER granting 16 United States' Unopposed Motion to Continue Status Hearing and to Exclude Time Under the Speedy Trial Act as to ERIK HERRERA (1). Upon consideration of the unopposed motion, it is hereby ORDERED that the Status Hearing currently scheduled for November 19, 2021, shall be CONTINUED to January 21, 2022, at 9:00 AM before Chief Judge Beryl A. Howell; it is FURTHER ORDERED that time under the Speedy Trial Act shall be excluded for the reasons outlined in the motion from 11/19/2021 through 1/21/2022, in the interests of justice and those interests outweigh the interests of the public and the defendant in a speedy trial. Signed by Chief Judge Beryl A. Howell on 11/18/2021. (ztg) (Entered: 11/18/2021) |
| 11/19/2021 | 17 | STATUS REPORT <i>Regarding Discovery as of November 5, 2021</i> by USA as to ERIK HERRERA (Borchert, John) (Entered: 11/19/2021) |

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