

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00657-BAH-1

Case title: USA v. MATTICE et al

Date Filed: 11/05/2021

Magistrate judge case number: 1:21-mj-00622-ZMF

Assigned to: Chief Judge Beryl A. Howell

Defendant (1)**CODY MATTICE**represented by **Thomas Abbenante**

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TERMINATED: 11/09/2021
Designation: CJA Appointment

Pending Counts

18:231(a)(3); CIVIL DISORDER; Civil Disorder
(1)

18:111(a)(1); ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
(2)

18:231(a)(3); CIVIL DISORDER; Civil Disorder
(3)

18:111(a)(1) and (b); ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
Using a Dangerous Weapon
(4)

18:1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR
INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(6)

18:1752(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
(7)

18:1752(a)(2) and (b)(1)(A); TEMPORARY RESIDENCE OF THE PRESIDENT;
Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a
Deadly or Dangerous Weapon
(8)

18:1752(a)(4) and (b)(1)(A); TEMPORARY RESIDENCE OF THE PRESIDENT;
Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly
or Dangerous Weapon
(9)

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building
(10)

40:5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Act of Physical Violence in the Capitol Grounds or
Buildings
(11)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:111(a)(1) and (b), 18:231(a)(3), 18:1752(a)(1) and
(b)(1)(A), 18:1752(a)(2) and (b)(1)(A), 18:1752(a)(4) and (b)(1)(A), 40:5104(e)(2)
(D), and 40:5104(e)(2)(F)

Disposition**Disposition****Disposition****Plaintiff**

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Date Filed	#	Docket Text
10/05/2021	1	SEALED COMPLAINT as to CODY MATTICE (1), JAMES PHILLIP MAULT (2). (Attachments: # 1 Statement of Facts) (bb) [1:21-mj-00622-ZMF] (Entered: 10/07/2021)
10/05/2021	3	MOTION to Seal Case by USA as to CODY MATTICE(1), JAMES PHILLIP MAULT(2). (Attachments: # 1 Text of Proposed Order)(bb) [1:21-mj-00622-ZMF] (Entered: 10/07/2021)
10/05/2021	4	ORDER granting 3 Motion to Seal Case as to CODY MATTICE (1), JAMES PHILLIP MAULT (2). Signed by Magistrate Judge Zia M. Faruqui on 10/5/2021. (bb) [1:21-mj-00622-ZMF] (Entered: 10/07/2021)
10/07/2021		Arrest of CODY MATTICE (1). (ztl) [1:21-mj-00622-ZMF] (Entered: 10/08/2021)
10/07/2021	5	Arrest Warrant Returned Executed on 10/7/2021 as to CODY MATTICE (1). (ztl) (Main Document 5 replaced on 10/13/2021) (bb). [1:21-mj-00622-ZMF] (Entered: 10/08/2021)
10/07/2021		Case unsealed as to CODY MATTICE (1). (ztl) [1:21-mj-00622-ZMF] (Entered: 10/08/2021)
10/07/2021		Arrest of CODY MATTICE in New York. (bb) [1:21-mj-00622-ZMF] (Entered: 10/13/2021)
10/18/2021	7	Emergency MOTION to Stay <i>Release Order</i> , MOTION to Review <i>Release Order</i> by USA as to CODY MATTICE. (Attachments: # 1 Text of Proposed Order)(Romano, Michael) [1:21-mj-00622-ZMF] (Entered: 10/18/2021)
10/18/2021	8	ORDER as to CODY MATTICE, STAYING, upon consideration of the Government's 7 Motion for Emergency Stay and for Review of Release Order, the Release Order entered by Magistrate Judge Mark W. Pedersen on October 15, 2021, pending review of the detention decision by this Court. Signed by Chief Judge Beryl A. Howell on October 18, 2021. (lcbah1) [1:21-mj-00622-ZMF] (Entered: 10/18/2021)
10/18/2021	10	Rule 5(c)(3) Documents Received as to CODY MATTICE from US District Court for the Western District of New York Case Number 6:21-mj-682-MJP Ordered by Magistrate Judge Zia M. Faruqui on 10/18/2021. (bb) [1:21-mj-00622-ZMF] (Entered: 10/19/2021)
10/19/2021		NOTICE OF HEARING ON MOTION in case as to CODY MATTICE re 7 Emergency MOTION to Review Release Order. The parties shall take notice that a Motion Hearing is scheduled for 10/22/2021, at 11:00 AM via videoconference before Chief Judge Beryl A. Howell. A videoconference link will be provided by the deputy clerk.(ztg) [1:21-mj-00622-ZMF] (Entered: 10/19/2021)
10/19/2021	9	NOTICE OF ATTORNEY APPEARANCE: John L. Machado appearing for CODY MATTICE (Machado, John) [1:21-mj-00622-ZMF] (Entered: 10/19/2021)
10/19/2021		MINUTE ORDER (paperless) as to CODY MATTICE, DIRECTING that (1) the Defendant submit by 12:00 PM on October 20, 2021, any opposition to the Government's 7 Motion for Review of Release Order and (2) the Government submit any reply in support of its motion by 12:00 PM on October 21, 2021. Signed by Chief Judge Beryl A. Howell on October 19, 2021. (lcbah1) [1:21-mj-00622-ZMF] (Entered: 10/19/2021)
10/19/2021		MINUTE ORDER (paperless), as to CODY MATTICE, DIRECTING the government (1) by 5 PM on October 20, 2021, to submit to the Court a report on the length and source(s) of the video evidence described in the government's 7 Motion for Review of a Release Order; (2) make such video evidence available for the Court's review by 5 PM on October 20, 2021, prior to the scheduled hearing on October 22, 2021; and FURTHER DIRECTING the parties to provide their positions, by 5 PM on October 20, 2021, whether this video evidence may be made publicly available without restriction. Signed by Chief Judge Beryl A. Howell on October 19, 2021. (lcbah1) [1:21-mj-00622-ZMF] (Entered: 10/19/2021)
10/20/2021	11	RESPONSE by CODY MATTICE re 7 Emergency MOTION to Stay <i>Release Order</i> MOTION to Review <i>Release Order</i> (Attachments: # 1 Exhibit Order Setting Conditions of Release from WDNY)(Machado, John) [1:21-mj-00622-ZMF] (Entered: 10/20/2021)
10/20/2021	12	NOTICE - Report on the Video Evidence Described in the Government's Motion for Review of Release Order by USA as to CODY MATTICE (Romano, Michael) [1:21-mj-00622-ZMF] (Entered: 10/20/2021)
10/20/2021	13	Unopposed MOTION for Leave to File <i>Supplemental Request for Pretrial Release</i> by CODY MATTICE. (Machado, John) [1:21-mj-00622-ZMF] (Entered: 10/20/2021)
10/20/2021	14	SUPPLEMENT by CODY MATTICE re 11 Response to motion for <i>Emergency Stay and for Review of a Release Order</i> (Attachments: # 1 Exhibit A - Letter from Kyle Burgio, # 2 Exhibit B - Letter from Ashley Choate, # 3 Exhibit C - Letter from Michael Choate, # 4 Exhibit D - Letter from Leslie Cologgi, # 5 Exhibit E - Letter from Amy Dalcin, # 6 Exhibit F - Letter from April Evert, # 7 Exhibit G - Letter from Autumn Evert, # 8 Exhibit H - Letter from Michaela Evert, # 9 Exhibit I - Letter from Rebecca Evert-Keller, # 10 Exhibit J - Letter from Kylie Evert-Swartz, # 11 Exhibit K - Letter from Jacqueline Gillette, # 12 Exhibit L - Letter from Ayla Huff, # 13 Exhibit M - Letter from Casey Mattice, # 14 Exhibit N - Letter from Cindy Shackelford-David, # 15 Exhibit O - Letter from Allyson Swartz, # 16 Exhibit P - Letter from Andrea Verstrete Evert)(Machado, John) [1:21-mj-00622-ZMF] (Entered: 10/20/2021)
10/21/2021	15	REPLY in Support by USA as to CODY MATTICE re 7 Emergency MOTION to Stay <i>Release Order</i> MOTION to Review <i>Release Order</i> (Romano, Michael) [1:21-mj-00622-ZMF] (Entered: 10/21/2021)
10/21/2021		MINUTE ORDER as to CODY MATTICE, granting 13 Unopposed Motion for Leave to Late File Defendant Cody Mattice's Supplemental Request for Pretrial Release (1). Signed by Chief Judge Beryl A. Howell on 10/21/2021. (ztg) [1:21-mj-00622-ZMF] (Entered: 10/21/2021)
10/22/2021	16	NOTICE Regarding Video Release by CODY MATTICE (Machado, John) [1:21-mj-00622-ZMF] (Entered: 10/22/2021)
10/22/2021	17	Supplement re 12 Notice of Report on the Video Evidence Described in the Government's Motion for Review of Release Order by USA as to CODY MATTICE (Romano, Michael) Modified text on 10/28/2021 (bb). [1:21-mj-00622-ZMF] (Entered: 10/22/2021)
10/22/2021		MINUTE ORDER (paperless), as to CODY MATTICE, DIRECTING the government, after consultation with and consent of the parties, promptly to make the video exhibits submitted in connection with defendant's October 22, 2021 detention hearing publicly available without restrictions by providing access using the "drop box" technical solution described in Standing Order 21-28, In re: Media Access to Video Exhibits in Pretrial Capitol Cases. Signed by Chief Judge Beryl A. Howell on October 22, 2021. (lcbah1) [1:21-mj-00622-ZMF] (Entered: 10/22/2021)
10/22/2021		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing as to CODY MATTICE held via videoconference on 10/22/2021; the Defendant agreed to participate via videoconference after consultation with counsel. Government's 7 Emergency MOTION for Review of a Release Order filed by USA, heard and GRANTED; Magistrate Judge's Order of Release REVERSED; the Defendant will remain detained pending trial. Parties directed to appear in this district before Magistrate Judge Harvey for an Initial Appearance scheduled for 10/28/2021, at 10:00 AM, unless the Defendant is indicted in which case he will appear before the Judge to whom the case is assigned. Bond Status of Defendant: Defendant committed/commitment issued. Present via videoconference: Defense Attorney: John L. Machado; US Attorney: Michael J. Romano; Pretrial Officer: Christine Schuck (telephonically). Court Reporter: Elizabeth Saint-Loth. (ztg) [1:21-mj-00622-ZMF] (Entered: 10/22/2021)
10/22/2021	18	TRANSFER ORDER as to CODY MATTICE Signed by Magistrate Judge Mark W. Pedersen, Magistrate Judge US District Court for the Western District of New York on 10/18/2021, made part of this matter's official record in this district by Chief Judge Beryl A. Howell. (ztg) [1:21-mj-00622-ZMF] (Entered: 10/25/2021)
10/26/2021	19	ORDER OF DETENTION PENDING TRIAL as to CODY MATTICE. Signed by Chief Judge Beryl A. Howell on October 26, 2021. (lcbah1) [1:21-mj-00622-ZMF] (Entered: 10/26/2021)
10/28/2021	22	NOTICE OF ATTORNEY APPEARANCE: Thomas Abbenante appearing for CODY MATTICE (Abbenante, Thomas) [1:21-mj-00622-ZMF] (Entered: 10/28/2021)
10/29/2021	23	ENTERED IN ERROR..... Unopposed MOTION for Protective Order <i>Governing Discovery</i> by USA as to CODY MATTICE, JAMES PHILLIP MAULT. (Attachments: # 1 Text of Proposed Order Governing Discovery)(Romano, Michael) Modified on 11/1/2021 (zpt). [1:21-mj-00622-ZMF] (Entered: 10/29/2021)
10/29/2021	25	ORDER Granting 24 Motion for Protective Order as to CODY MATTICE (1) and JAMES PHILLIP MAULT (2). Signed by Magistrate Judge G. Michael Harvey on 10/29/2021. (zpt) [1:21-mj-00622-ZMF] (Entered: 11/01/2021)
11/01/2021	24	Unopposed MOTION for Protective Order <i>Governing Discovery</i> by USA as to CODY MATTICE, JAMES PHILLIP MAULT. (Attachments: # 1 Text of Proposed Order Governing Discovery)(Romano, Michael) [1:21-mj-00622-ZMF] (Entered: 11/01/2021)
11/01/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to CODY MATTICE (1) and JAMES PHILLIP MAULT (2). re 23 Unopposed MOTION for Protective Order <i>Governing Discovery</i> was entered in error and counsel was instructed to refile said pleading. (zpt) [1:21-mj-00622-ZMF] (Entered: 11/01/2021)
11/01/2021		Terminating 23 Motion for Protective Order as to CODY MATTICE (1). Motion was entered in error. (zpt) [1:21-mj-00622-ZMF] (Entered: 11/01/2021)

11/04/2021	26	Unopposed MOTION for Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials by USA as to CODY MATTICE, JAMES PHILLIP MAULT. (Attachments: # 1 Text of Proposed Order)(Romano, Michael)[1:21-mj-00622-ZMF] Modified event on 11/8/2021 (znmw). (Entered: 11/04/2021)
11/04/2021	27	NOTICE of Filing of Discovery Memoranda by USA as to CODY MATTICE, JAMES PHILLIP MAULT (Attachments: # 1 Memorandum Regarding Status of Discovery as of July 12, 2021, # 2 Exhibit A to July Memorandum, # 3 Memorandum Regarding Status of Discovery as of August 23, 2021, # 4 Memorandum Regarding Status of Discovery as of September 14, 2021)(Romano, Michael) [1:21-mj-00622-ZMF] (Entered: 11/04/2021)
11/04/2021	28	NOTICE - Memorandum Regarding Status of Discovery as of October 21, 2021 by USA as to CODY MATTICE, JAMES PHILLIP MAULT (Romano, Michael) [1:21-mj-00622-ZMF] (Entered: 11/04/2021)
11/05/2021	29	INDICTMENT as to CODY MATTICE (1) count(s) 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, JAMES PHILLIP MAULT (2) count(s) 3, 5, 6, 7, 8, 9, 10, 11. (bb) (Entered: 11/05/2021)
11/05/2021		ENTERED IN ERROR.....MINUTE ORDER: The hearing currently scheduled for 11/9/2021 before Magistrate Judge Robin M. Meriweather is hereby VACATED, as the Defendants has been charged by Indictment. As such, there are no pending matters necessitating action by a magistrate judge. The parties are directed to contact the assigned District Judge to schedule a status hearing and arraignment, if one has not yet been set. The parties are instructed to address any requests to toll the Speedy Trial Act to the assigned District Judge. Signed by Magistrate Judge Zia M. Faruqui on 11/5/2021. (ztl) Modified on 11/5/2021 (ztl). (Entered: 11/05/2021)
11/05/2021	31	NOTICE REGARDING STATUS OF DISCOVERY by USA as to CODY MATTICE, JAMES PHILLIP MAULT (Romano, Michael) (Entered: 11/05/2021)
11/05/2021		Set/Reset Hearings as to CODY MATTICE: Initial Appearance/Arraignment set for 11/9/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Robin M. Meriweather. (ztl) (Entered: 11/05/2021)
11/05/2021		MINUTE ORDER (paperless) as to CODY MATTICE and JAMES PHILLIP MAULT, GRANTING the government's 26 Unopposed Motion for an Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials and AUTHORIZING the government, pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i) and the previously entered protective order governing discovery in this case, to provide to defendants, and any co-defendants who may later be joined, materials protected by Federal Rule of Criminal Procedure 6(e), insofar as such disclosure is necessary for the government to comply with its discovery and disclosure obligations. Signed by Chief Judge Beryl A. Howell on November 5, 2021. (lcbah3) (Entered: 11/05/2021)
11/05/2021	32	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on November 5, 2021. (lcbah3) (Entered: 11/05/2021)
11/08/2021		Set/Reset Hearings as to Defendants CODY MATTICE (1) and JAMES PHILLIP MAULT (2): Arraignment set for 11/9/2021 at 3:00 PM by telephonic/VTC before Magistrate Judge Robin M. Meriweather. (kk) (Entered: 11/08/2021)
11/09/2021		ORAL MOTION by Defendant CODY MATTICE (1) to Exclude 90 Days from the Speedy Trial Act. (kk) (Entered: 11/10/2021)
11/09/2021		Minute Entry for Arraignment as to Defendants CODY MATTICE (1) and JAMES PHILLIP MAULT (2) held by video before Magistrate Judge Robin M. Meriweather on 11/9/2021 : Both defendants agree to appear by video for today's hearing. Pleas of Not Guilty entered by CODY MATTICE (1) to Counts 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11, and by JAMES PHILLIP MAULT (2) to Counts 3, 5, 6, 7, 8, 9, 10 and 11. The Court advised the Government of its due process obligations under Rule 5(f). Status Hearing for both defendants set before Chief Judge Beryl A. Howell on 11/12/2021 at 3:00 PM by telephonic/VTC. Oral Motion by Defendant CODY MATTICE (1) to Exclude 90 Days from the Speedy Trial Act, with no objection by the Government, and with Defendant JAMES PHILLIP MAULT (2) also consenting to waive 90 days, heard and granted. The Court finds as to both defendants that the time between 11/9/2021 and 2/7/2022 shall be excluded from any calculation under the Speedy Trial Act, in the interest of justice. Bond Status of Defendants: Both Defendants remain Held Without Bond and committed. Court Reporter: FTR Gold - Ctrm. 7; FTR Time Frame: 3:18:12 - 3:34:41. Defense Attorneys: (1): Thomas Abbenante, (2): Richard Stern; U.S. Attorney: Michael Romano; Pretrial Officer: Shay Holman. (kk) (Entered: 11/10/2021)
11/12/2021		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Hearing as to Defendant #1 CODY MATTICE, #2 JAMES PHILLIP MAULT held via videoconference on 11/12/2021. A further Status Hearing is scheduled for 2/4/2022, at 9:30 AM via videoconference for Defendant #1 and in-person for Defendant #2 before Chief Judge Beryl A. Howell. Time excluded under the Speedy Trial Act from 11/12/2021 through 2/4/2022, in the interests of justice and those interests outweigh the interests of the public and the defendant in a speedy trial in order to give the government time to produce the discovery and the defendants time to review the discovery and discuss a resolution of this matter short of trial. Bond Status of Defendants: Defendants committed. Present: Defense Attorney: #1 Thomas Abbenante; #2 Thomas Abbenante for Richard S. Stern; US Attorney: Michael J. Romano. Court Reporter: Elizabeth Saint-Loth. (ztg) (Entered: 11/12/2021)
12/09/2021		NOTICE OF RESCHEDULED HEARING as to CODY MATTICE and JAMES PHILLIP MAULT. The parties shall take notice that the Status Hearing scheduled for 2/4/2022, at 9:30 AM is RESCHEDULED for 2/4/2022, at 3:00 PM via videoconference before Chief Judge Beryl A. Howell. (ztg) (Entered: 12/09/2021)

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