

APPEAL,CAP,CAT A,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00682-TFH-1**

Case title: USA v. WEISBECKER

Magistrate judge case number: 1:21-mj-00628-ZMF

Date Filed: 11/18/2021

Assigned to: Judge Thomas F.
Hogan

Defendant (1)

**PHILIP JAMES
WEISBECKER**

represented by **Kira Anne West**
LAW OFFICE OF KIRA WEST
712 H St, NE
Unit 509
Washington, DC 20002
202-236-2042
Email: kiraannewest@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

18 U.S.C. 1752(a)(1);
TEMPORARY RESIDENCE OF
THE PRESIDENT; Entering and
Remaining in a Restricted
Building
(1)

18 U.S.C. 1752(a)(2);
TEMPORARY RESIDENCE OF
THE PRESIDENT; Disorderly and
Disruptive Conduct in a Restricted
Building
(2)

40 U.S.C. 5104(e)(2)(D);
VIOLENT ENTRY AND
DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Violent
Entry and Disorderly Conduct in a
Capitol Building
(3)

Disposition

DISMISSED ON ORAL MOTION OF THE
GOVERNMENT

DISMISSED ON ORAL MOTION OF THE
GOVERNMENT

DISMISSED ON ORAL MOTION OF THE
GOVERNMENT

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

Defendant sentenced to Twenty-Four (24) Months
 of Probation. Special Assessment in the amount of
 \$10. Restitution in the amount of \$500. Fine in the
 amount of \$2,000.

Highest Offense Level (Opening)

Misdemeanor

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Disposition

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

Plaintiff

USA

represented by **Michael Gordon James**
 DOJ-USAO
 Terry Sanford Federal Building
 310 New Bern Avenue
 Suite 800
 Raleigh, NC 27601-1461
 919-856-4530
 Email: mike.james@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Date Filed	#	Page	Docket Text
10/14/2021	<u>1</u>		SEALED COMPLAINT as to PHILIP JAMES WEISBECKER (1). (Attachments: # <u>1</u> Statement of Facts) (bb) [1:21-mj-00628-ZMF] (Entered: 10/18/2021)
10/14/2021	<u>3</u>		MOTION to Seal Case by USA as to PHILIP JAMES WEISBECKER. (Attachments: # <u>1</u> Text of Proposed Order)(bb) [1:21-mj-00628-ZMF] (Entered: 10/18/2021)
10/14/2021	<u>4</u>		

		ORDER granting <u>3</u> Motion to Seal Case as to PHILIP JAMES WEISBECKER (1). Signed by Magistrate Judge Zia M. Faruqui on 10/14/2021. (bb) [1:21-mj-00628-ZMF] (Entered: 10/18/2021)
10/21/2021	<u>5</u>	Arrest Warrant, dated 10/14/2021, Returned Executed on 10/21/2021 as to PHILIP JAMES WEISBECKER. (bb) [1:21-mj-00628-ZMF] (Entered: 10/25/2021)
10/21/2021		Arrest of PHILIP JAMES WEISBECKER in California. (bb) [1:21-mj-00628-ZMF] (Entered: 10/25/2021)
10/21/2021		Case unsealed as to PHILIP JAMES WEISBECKER (bb) [1:21-mj-00628-ZMF] (Entered: 10/25/2021)
11/02/2021	<u>6</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney James, Michael Gordon added. (James, Michael) [1:21-mj-00628-ZMF] (Entered: 11/02/2021)
11/04/2021	<u>7</u>	Rule 5(c)(3) Documents Received as to PHILIP JAMES WEISBECKER from US District Court for the Southern District of California Case Number 21MJ4066 (bb) [1:21-mj-00628-ZMF] (Entered: 11/05/2021)
11/05/2021		MINUTE ORDER as to Defendant PHILIP JAMES WEISBECKER : It is hereby ORDERED that Defendant PHILIP JAMES WEISBECKER appear for an initial appearance on Tuesday, November 9, 2021 at 1:00 p.m. before Magistrate Judge Robin M. Meriweather. 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 202-354-3083; So Ordered by Magistrate Judge Robin M. Meriweather on 11/5/2021. (kk) [1:21-mj-00628-ZMF] (Entered: 11/05/2021)
11/09/2021		ORAL MOTION by Defendant PHILIP JAMES WEISBECKER to Appoint Counsel. (kk) [1:21-mj-00628-ZMF] (Entered: 11/12/2021)
11/09/2021		JOINT ORAL MOTION by USA and Defendant PHILIP JAMES WEISBECKER to Exclude Time Under the Speedy Trial Act from 11/9/2021 until 12/16/2021. (kk) [1:21-mj-00628-ZMF] (Entered: 11/12/2021)
11/09/2021		Minute Entry for Initial Appearance as to PHILIP JAMES WEISBECKER held by video before Magistrate Judge Robin M. Meriweather on 11/9/2021 : The Court advised the Government of its due process obligations under Rule 5(f). The defendant agrees to appear by video. Oral Motion by Defendant to Appoint Counsel. The Court finds that the defendant is eligible for court-appointed counsel and appoints Criminal Justice Act Panel attorney Kira Anne West to represent PHILIP JAMES WEISBECKER. Preliminary Hearing set for 12/16/2021 at 1:00 PM by telephonic/VTC before Magistrate Judge Zia M. Faruqui. The defendant waives additional time to hold the preliminary hearing. Joint Oral Motion by USA and Defendant to Exclude Time Under the Speedy Trial Act from 11/9/2021 until 12/16/2021, heard and granted in the interest of

		justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond. Court Reporter: FTR Gold – Ctrm. 7; FTR Time Frames: 1:23:46 – 1:35:48 and 1:36:13 – 2:02:49. Defense Attorney: Kira Anne West; U.S. Attorney: Fred Yette for Michael James; Pretrial Officer: Shay Holman. (kk) [1:21-mj-00628-ZMF] (Entered: 11/12/2021)
11/09/2021	<u>11</u>	ORDER Setting Conditions of Bond : Defendant PHILIP JAMES WEISBECKER placed on Personal Recognizance Bond, signed by Magistrate Judge Robin M. Meriweather on 11/10/2021, nunc pro tunc to 11/9/2021. (Attachment: # <u>1</u> Appearance Bond) (kk) [1:21-mj-00628-ZMF] (Entered: 11/14/2021)
11/10/2021	<u>10</u>	NOTICE OF ATTORNEY APPEARANCE: Kira Anne West appearing for PHILIP JAMES WEISBECKER (West, Kira) [1:21-mj-00628-ZMF] (Entered: 11/10/2021)
11/16/2021	<u>12</u>	MOTION to Modify Conditions of Release by PHILIP JAMES WEISBECKER. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) [1:21-mj-00628-ZMF] (Entered: 11/16/2021)
11/16/2021	<u>13</u>	ORDER Granting <u>12</u> MOTION to Modify Conditions of Release by PHILIP JAMES WEISBECKER (1). Signed by Magistrate Judge Robin M. Meriweather on 11/16/2021. (zpt) [1:21-mj-00628-ZMF] (Entered: 11/17/2021)
11/18/2021	<u>14</u>	INFORMATION as to PHILIP JAMES WEISBECKER (1) count(s) 1, 2, 3, 4. (zltf) (Entered: 11/19/2021)
11/23/2021		NOTICE OF HEARING as to PHILIP JAMES WEISBECKER: Arraignment set for 12/8/2021 at 2:00 PM via Zoom before Judge Thomas F. Hogan. (zalh) (Entered: 11/23/2021)
11/29/2021	<u>16</u>	Unopposed MOTION for Disclosure <i>ITEMS PROTECTED BY FEDERAL RULE OF CRIMINAL PROCEDURE 6(e) AND SEALED MATERIALS</i> by USA as to PHILIP JAMES WEISBECKER. (Attachments: # <u>1</u> Text of Proposed Order)(James, Michael) (Entered: 11/29/2021)
11/29/2021	<u>17</u>	Unopposed MOTION for Protective Order <i>GOVERNING DISCOVERY</i> by USA as to PHILIP JAMES WEISBECKER. (Attachments: # <u>1</u> Text of Proposed Order)(James, Michael) (Entered: 11/29/2021)
11/30/2021		Terminate Hearings as to PHILIP JAMES WEISBECKER (1): Preliminary Hearing set for 12/16/2021 at 1:00 PM by telephonic/VTC before Magistrate Judge Zia M. Faruqui is hereby VACATED. (zpt) (Entered: 11/30/2021)
12/01/2021	<u>18</u>	ORDER as to PHILIP JAMES WEISBECKER: granting <u>16</u> Unopposed Motion for Disclosure <i>ITEMS PROTECTED BY FEDERAL RULE OF CRIMINAL PROCEDURE 6(e) AND SEALED MATERIALS</i> . Signed by Judge Thomas F. Hogan on 12/1/2021. (zalh) (Entered: 12/01/2021)
12/01/2021	<u>19</u>	PROTECTIVE ORDER GOVERNING DISCOVERY as to PHILIP JAMES WEISBECKER: setting forth procedures for handling confidential material; allowing designated material to be filed under seal. Signed by Judge Thomas F. Hogan on 12/1/21. (zalh) (Entered: 12/01/2021)
12/03/2021	<u>20</u>	

		NOTICE by USA as to PHILIP JAMES WEISBECKER (Attachments: # <u>1</u> REGARDING STATUS OF DISCOVERY AS OF JULY 12, 2021 with EXHIBIT A, # <u>2</u> REGARDING STATUS OF DISCOVERY AS OF AUGUST 23, 2021, # <u>3</u> REGARDING STATUS OF DISCOVERY AS OF SEPTEMBER 14, 2021, # <u>4</u> REGARDING STATUS OF DISCOVERY AS OF OCTOBER 21, 2021)(James, Michael) (Entered: 12/03/2021)
12/07/2021	<u>21</u>	Unopposed MOTION to Continue <i>AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT</i> by USA as to PHILIP JAMES WEISBECKER. (Attachments: # <u>1</u> Text of Proposed Order)(James, Michael) (Entered: 12/07/2021)
12/07/2021	22	MOTION to Exclude Time under the Speedy Trial Act by USA as to PHILIP JAMES WEISBECKER. (See docket entry <u>21</u> to view document.) (zltp) (Entered: 12/08/2021)
12/08/2021		MINUTE ORDER as to PHILIP JAMES WEISBECKER: granting <u>21</u> Motion to Continue AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT. Speedy Trial Time Excluded (XT) 12/8/2021 – 1/31/2022, in the interest of justice. Arraignment reset for 1/31/2022 at 2:00 PM via Zoom before Judge Thomas F. Hogan. Signed by Judge Thomas F. Hogan on 12/8/21. (zalh) (Entered: 12/08/2021)
01/31/2022		Minute Entry for video proceedings held before Judge Thomas F. Hogan: Arraignment as to PHILIP JAMES WEISBECKER on Counts 1, 2, 3, and 4 held on 1/31/2022. Plea of NOT GUILTY entered on Counts 1 – 4. Joint oral request for a 30 day continuance; heard and granted. Speedy Trial Excludable (XT) started 1/31/2022 until 3/3/2022, in the interest of justice. Status Conference set for 3/3/2022 at 2:00 PM via Zoom before Judge Thomas F. Hogan. Bond Status of Defendant: remains on Personal Recognizance/appeared via video; Court Reporter: Lorraine Herman; Defense Attorney: Kira Anne West; US Attorney: Michael Gordon James. (zalh) (Entered: 01/31/2022)
02/04/2022		MINUTE ORDER as to PHILIP JAMES WEISBECKER: As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings. Signed by Judge Thomas F. Hogan on 2/4/2022. (zalh) (Entered: 02/04/2022)
02/11/2022	<u>25</u>	NOTICE OF FILING MEMORANDA REGARDING STATUS OF DISCOVERY AS OF FEBRUARY 9, 2022 by USA as to PHILIP JAMES WEISBECKER (Attachments: # <u>1</u> Memorandum in Support)(James, Michael) (Entered: 02/11/2022)
03/01/2022		NOTICE OF HEARING as to PHILIP JAMES WEISBECKER: Status Conference set for 3/3/2022 at 2:00 PM is CONVERTED to a Plea Agreement Hearing on 3/3/2022 at 2:00 PM via Zoom before Judge Thomas F. Hogan. (zalh) (Entered: 03/01/2022)
03/03/2022		Minute Entry for video proceedings held before Judge Thomas F. Hogan: Plea Agreement Hearing as to PHILIP JAMES WEISBECKER held on 3/3/2022. Plea of GUILTY entered on Count 4. REFERRAL TO PROBATION OFFICE for Presentence Investigation. Sentencing Memoranda due by 6/20/2022. Sentencing set for 6/27/2022 at 2:00 PM via Zoom before Judge Thomas F.

		Hogan. Bond Status of Defendant: remains on Personal Recognizance/appeared via video; Court Reporter: Sara Wick; Defense Attorney: Kira Anne West; US Attorney: Michael Gordon James. (zalh) (Entered: 03/03/2022)
03/03/2022	<u>26</u>	PLEA AGREEMENT as to PHILIP JAMES WEISBECKER. (zalh) (Entered: 03/03/2022)
03/03/2022	<u>27</u>	STATEMENT OF OFFENSE by USA as to PHILIP JAMES WEISBECKER. (zalh) (Entered: 03/03/2022)
06/18/2022	<u>31</u>	SENTENCING MEMORANDUM by USA as to PHILIP JAMES WEISBECKER (Attachments: # <u>1</u> Exhibit Sentencing chart)(James, Michael) (Entered: 06/18/2022)
06/20/2022	<u>32</u>	SENTENCING MEMORANDUM by PHILIP JAMES WEISBECKER (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(West, Kira) (Entered: 06/20/2022)
06/27/2022		Minute Entry for video proceedings held before Judge Thomas F. Hogan: Sentencing held on 6/27/2022 as to PHILIP JAMES WEISBECKER on Count 4. Defendant sentenced to Twenty-Four (24) Months of Probation. Special Assessment in the amount of \$10. Restitution in the amount of \$500. Fine in the amount of \$2,000. Government's oral motion to dismiss Counts 1 – 3; heard and granted. Bond Status of Defendant: placed on Probation/appeared via video; Court Reporter: Lisa Bankins; Defense Attorney: Kira Anne West; US Attorney: Michael Gordon James; Probation Officer: Sherry Baker. (zalh) (Entered: 06/28/2022)
06/27/2022	<u>36</u>	JUDGMENT as to PHILIP JAMES WEISBECKER. Statement of Reasons Not Included. Signed by Judge Thomas F. Hogan on 6/27/2022. (zltp) (Entered: 07/08/2022)
06/27/2022	<u>37</u>	STATEMENT OF REASONS as to PHILIP JAMES WEISBECKER. re <u>36</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 Thomas F. Hogan on 6/27/2022. (zltp) (Entered: 07/08/2022)
07/06/2022	<u>35</u>	MOTION for Return of Passport <i>and misc terms of probation</i> by PHILIP JAMES WEISBECKER. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 07/06/2022)
07/06/2022	38	MOTION for Clarification of Special Conditions of Probation by PHILIP JAMES WEISBECKER. (See docket entry <u>35</u> to view document.)(zltp) (Entered: 07/11/2022)
07/12/2022	<u>39</u>	RESPONSE by USA as to PHILIP JAMES WEISBECKER re 38 MOTION to Clarify, <u>35</u> MOTION for Return of Passport <i>and misc terms of probation</i> (James, Michael) (Entered: 07/12/2022)
07/12/2022		MINUTE ORDER as to PHILIP JAMES WEISBECKER: granting <u>35</u> Defendant's Motion for Return of Passport and denying 38 Defendant's Motion for Clarification of Special Conditions of Probation. Upon consideration of the <u>35</u> Motion and the <u>39</u> Governments response: The Court GRANTS the motion for the return of Mr. Weisbecker's passport. The Court DENIES the request to serve a "straight" 30-day prison sentence. Pursuant to 18 U.S.C. § 3563(b)(10), Defendant must serve his sentence during "nights, weekends, or other intervals of time" as a condition of his probationary sentence within the first year of his

		probationary term. Based on counsel's representations regarding Defendant's work commitments in the Motion, and as reflected in the <u>36</u> Judgment, Defendant shall serve the 30-day sentence in two 15-day intervals to be completed during his first year of probation. Finally, the Court clarifies the firearms and drug testing conditions of Defendant's sentence as follows: As reflected in the <u>36</u> Judgment, the Court did not impose standard condition 10 prohibiting the possession of firearms and the Court suspended mandatory condition 3 requiring drug testing. Signed by Judge Thomas F. Hogan on 7/12/2022. (zalh) (Entered: 07/12/2022)
07/19/2022	<u>40</u>	MOTION to amend judgment to reflect time served by PHILIP JAMES WEISBECKER. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) Modified event type on 7/21/2022 (zltp). (Entered: 07/19/2022)
07/19/2022		MINUTE ORDER as to PHILIP JAMES WEISBECKER: Probation shall file any response to the <u>40</u> MOTION to amend judgment to reflect time served on or before July 22, 2022. Signed by Judge Thomas F. Hogan on 7/19/2022. (zalh) (Entered: 07/19/2022)
07/22/2022	<u>42</u>	RESPONSE by USA as to PHILIP JAMES WEISBECKER re <u>40</u> MOTION to Amend/Correct (James, Michael) (Entered: 07/22/2022)
08/01/2022		MINUTE ORDER as to PHILIP JAMES WEISBECKER: Upon consideration of <u>40</u> Defendant's Motion Seeking Correction of Terms of Probation and Amendment of Judgment, the <u>41</u> Probation Memorandum in response, and the <u>42</u> Government's Response in Opposition to Defendant's Motion, Defendant's <u>40</u> Motion is hereby DENIED. Signed by Judge Thomas F. Hogan on 8/1/2022. (zalh) (Entered: 08/01/2022)
08/08/2022	<u>43</u>	NOTICE OF APPEAL – Final Judgment by PHILIP JAMES WEISBECKER Fee Status: No Fee Paid. Parties have been notified. (West, Kira) (Entered: 08/08/2022)

Notice of Appeal Criminal

CO-290
Rev. 3/88

United States District Court for the District of Columbia

UNITED STATES OF AMERICA

vs.

PHILIP WEISBECKERCriminal No. 1:21-CR-000682-1

NOTICE OF APPEAL

Name and address of appellant: PHILIP J. WEISBECKER
17771 CAMPO ROAD
DULZURA CA 91917Name and address of appellant's attorney: ~~KATE ANN WEST~~
Pro SeOffense: PARADING, PICKETING, DEMONSTRATING

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

24 MONTHS PROBATION, 30 DAYS SUSPENDED SENTENCEName and institution where now confined, if not on bail: N/A

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.

8-8-22
DATE[Signature]
APPELLANT_____
ATTORNEY FOR APPELLANTGOVT. 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 ☒

MIME-Version:1.0
From:DCD_ECFNotice@dcd.uscourts.gov
To:DCD_ECFNotice@localhost.localdomain
Bcc:
--Case Participants: Michael Gordon James (mike.james@usdoj.gov), Kira Anne West (cubbagelaw@gmail.com, kiraannewest@gmail.com), Judge Thomas F. Hogan (andriea_hill@dcd.uscourts.gov, harold_smith@dcd.uscourts.gov, tfh_ecf@dcd.uscourts.gov, thomas_f._hogan@dcd.uscourts.gov, tiffany_gough@dcd.uscourts.gov)
--Non Case Participants: Kyle Cheney (kcheney@politico.com), Zoe M. Tillman (zmtillman@gmail.com), 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:7795364@dcd.uscourts.gov
Subject:Activity in Case 1:21-cr-00682-TFH USA v. WEISBECKER Sentencing
Content-Type: text/html

U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 6/28/2022 at 10:48 AM and filed on 6/27/2022

Case Name: USA v. WEISBECKER

Case Number: 1:21-cr-00682-TFH

Filer:

Document Number: No document attached

Docket Text:

Minute Entry for video proceedings held before Judge Thomas F. Hogan: Sentencing held on 6/27/2022 as to PHILIP JAMES WEISBECKER on Count 4. Defendant sentenced to Twenty-Four (24) Months of Probation. Special Assessment in the amount of \$10. Restitution in the amount of \$500. Fine in the amount of \$2,000. Government's oral motion to dismiss Counts 1 - 3; heard and granted. Bond Status of Defendant: placed on Probation/appeared via video; Court Reporter: Lisa Bankins; Defense Attorney: Kira Anne West; US Attorney: Michael Gordon James; Probation Officer: Sherry Baker. (zalh)

1:21-cr-00682-TFH-1 Notice has been electronically mailed to:

Kira Anne West kiraannewest@gmail.com, cubbagelaw@gmail.com

Michael Gordon James mike.james@usdoj.gov

1:21-cr-00682-TFH-1 Notice will be delivered by other means to::

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

PHILIP JAMES WEISBECKER

JUDGMENT IN A CRIMINAL CASE

Case Number: 21-CR-682 (TFH)

USM Number: 03430-506

Kira Anne West

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 4 of the information filed on 11/18/2021☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
40 U.S.C. § 5104(e)(4)(G)	Parading, Demonstrating, or Picketing in a Capitol Building	1/6/2021	4

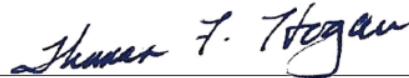
The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☒ Count(s) 1, 2, and 3 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/27/2022

Date of Imposition of Judgment



Signature of Judge

Thomas F. Hogan, U.S. District Judge

Name and Title of Judge

07/01/2022

Date

DEFENDANT: PHILIP JAMES WEISBECKER
CASE NUMBER: 21-CR-682 (TFH)

PROBATION

You are hereby sentenced to probation for a term of:

Twenty-four (24) months [2 years] of Probation on Count 4.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.
 - ☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
7. ☒ You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: PHILIP JAMES WEISBECKER
CASE NUMBER: 21-CR-682 (TFH)

STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- ~~10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).~~
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: PHILIP JAMES WEISBECKER
CASE NUMBER: 21-CR-682 (TFH)

SPECIAL CONDITIONS OF SUPERVISION

Intermittent Confinement – Pursuant to 18 USC 3563(b)(10), You must serve a total of 30 days of intermittent confinement. The intermittent confinement shall be served in two intervals of 15 consecutive days each at a facility designated by the Bureau of Prisons, to be completed within the first year of probation, under the coordination of probation and the Bureau of Prisons. You must follow the rules and regulations of the facility in which you are designated.

Financial Information Disclosure – You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the United States Attorney's Office.

The Court authorizes supervision and jurisdiction of this case to be transferred to the United States District Court for the Eastern District of California.

Standard Condition #10 has been VACATED by Order of the Court.

DEFENDANT: PHILIP JAMES WEISBECKER
CASE NUMBER: 21-CR-682 (TFH)**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 10.00	\$ 500.00	\$ 2,000.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Architect of the Capitol		\$500.00	
Office of the Chief Financial Officer			
Attention: Kathy Sherrill, CPA			
Ford House Office Building, Room H2-205B			
Washington, DC 20515			

TOTALS	\$	<u>0.00</u>	\$	<u>500.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☒ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: PHILIP JAMES WEISBECKER
CASE NUMBER: 21-CR-682 (TFH)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 2,510.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The financial obligations (Fine, Restitution and Special Assessment) are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.