

APPEAL,CAP,CAT A,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00660-RBW-1**

Case title: USA v. MORRISSEY

Magistrate judge case number: 1:21-mj-00633-RMM

Date Filed: 11/08/2021

Assigned to: Judge Reggie B.
Walton

Appeals court case number:
22-3059

Defendant (1)

**DANIEL MICHAEL
MORRISSEY**

represented by **Anthony M. Solis**
ANTHONY M. SOLIS, A PROF. LAW CORP.
23679 Calabasas Road
Suite 412
Calabasas, CA 91302
213-489-5880
Email: anthonysolislaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

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

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

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

Disposition

Dismissed On Oral Motion Of The Government

Dismissed On Oral Motion Of The Government

Dismissed On Oral Motion Of The Government

(3)

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

Forty-Five (45) Days Incarceration And Thirty-Six (36) Months Probation With A Fine Of \$2500.00, Restitution In The Amount Of \$500.00 And A Special Assessment Of \$10.00

(4)

Highest Offense Level (Opening)

Misdemeanor

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

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

Disposition

Plaintiff

USA

represented by **Christopher T. Tortorice**
 DOJ-USAO
 555 4th St NW
 Ste 11-449
 Washington DC, DC 20530
 202-252-7155
 Email: christopher.tortorice@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Date Filed	#	Page	Docket Text
10/21/2021	<u>1</u>		SEALED COMPLAINT as to DANIEL MICHAEL MORRISSEY (1). (Attachments: # <u>1</u> Statement of Facts) (zstd) [1:21-mj-00633-RMM] (Entered: 10/21/2021)
10/21/2021	<u>3</u>		MOTION to Seal Case by USA as to DANIEL MICHAEL MORRISSEY. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00633-RMM] (Entered: 10/21/2021)

10/21/2021	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to DANIEL MICHAEL MORRISSEY (1). Signed by Magistrate Judge Robin M. Meriweather on 10/21/2021. (zstd) [1:21-mj-00633-RMM] (Entered: 10/21/2021)
11/04/2021	<u>5</u>	Arrest Warrant, dated 10/21/2021, Returned Executed on 11/4/2021 as to DANIEL MICHAEL MORRISSEY. (zstd) [1:21-mj-00633-RMM] (Entered: 11/08/2021)
11/04/2021		Arrest of DANIEL MICHAEL MORRISSEY in Colorado. (zstd) [1:21-mj-00633-RMM] (Entered: 11/08/2021)
11/04/2021		Case unsealed as to DANIEL MICHAEL MORRISSEY (zstd) [1:21-mj-00633-RMM] (Entered: 11/08/2021)
11/04/2021	<u>6</u>	Rule 5(c)(3) Documents Received as to DANIEL MICHAEL MORRISSEY from United States District Court– District of Colorado Case Number 1:21-mj-00633 (zstd) [1:21-mj-00633-RMM] (Entered: 11/08/2021)
11/05/2021		MINUTE ORDER as to Defendant DANIEL MICHAEL MORRISSEY : It is hereby ORDERED that Defendant DANIEL MICHAEL MORRISSEY 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. (zkk) [1:21-mj-00633-RMM] (Entered: 11/05/2021)
11/08/2021	<u>7</u>	INFORMATION as to DANIEL MICHAEL MORRISSEY (1) count(s) 1, 2, 3, 4. (zstd) (Entered: 11/09/2021)
11/09/2021		ORAL MOTION by USA to Exclude Time Under the Speedy Trial Act from 11/9/2021 until 12/6/2021 as to Defendant DANIEL MICHAEL MORRISSEY. (kk) (Entered: 11/12/2021)
11/09/2021		Minute Entry for Initial Appearance and Arraignment as to DANIEL MICHAEL MORRISSEY 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 consents to appear virtually. Plea of Not Guilty entered by DANIEL MICHAEL MORRISSEY to Counts 1, 2, 3 and 4. Status Hearing set before Judge Reggie B. Walton on 12/6/2021 at 2:00 PM by videoconference. Oral Motion by USA to Exclude Time Under the Speedy Trial Act from 11/9/2021 until 12/6/2021, with agreement by the defendant, 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 2:17:32 – 2:24:51. Defense Attorney: Anthony Solis (application to USDC-DC Bar pending); U.S. Attorney: Fred Yette for Christopher Tortorice; Pretrial Officer: Shay Holman. (kk) (Entered: 11/12/2021)

11/09/2021	<u>10</u>		ORDER Setting Conditions of Bond : Defendant DANIEL MICHAEL MORRISSEY placed on Personal Recognizance Bond, signed by Magistrate Judge Robin M. Meriweather on 11/12/2021, nunc pro tunc to 11/9/2021. (Attachment: # <u>1</u> Appearance Bond) (kk) (Entered: 11/14/2021)
11/12/2021			Set/Reset Hearings as to DANIEL MICHAEL MORRISSEY: Status Conference set for 12/6/2021 at 02:00 PM by VTC before Judge Reggie B. Walton. (hs) (Entered: 11/12/2021)
12/06/2021			Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference as to DANIEL MICHAEL MORRISSEY held on 12/6/2021. A joint oral request for a sixty (60) day continuance; heard and granted. Speedy Trial Time Excluded (XT) 12/6/2021 – 2/23/2022. Status Conference set for 2/23/2022 at 10:30 AM by Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Personal Recognizance/ Appeared by video; Court Reporter: Cathryn Jones; Defense Attorney: Anthony Solis; US Attorney: Christopher T. Tortorice. (adh) (Entered: 12/06/2021)
12/06/2021	<u>12</u>		MOTION for Protective Order <i>Governing the Production of Discovery</i> by USA as to DANIEL MICHAEL MORRISSEY. (Attachments: # <u>1</u> Text of Proposed Order PROTECTIVE ORDER GOVERNING DISCOVERY)(Tortorice, Christopher) (Entered: 12/06/2021)
12/06/2021	<u>13</u>		STATUS REPORT <i>MEMORANDUM REGARDING STATUS OF DISCOVERY</i> by USA as to DANIEL MICHAEL MORRISSEY (Tortorice, Christopher) (Entered: 12/06/2021)
12/15/2021	<u>14</u>		PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to DANIEL MICHAEL MORRISSEY. Signed by Judge Reggie B. Walton on 12/15/2021. (hs) (Entered: 12/15/2021)
02/16/2022			Set/Reset Hearings as to DANIEL MICHAEL MORRISSEY: Plea Agreement Hearing set for 2/23/2022 at 02:00 PM VTC before Judge Reggie B. Walton. (adh,) (Entered: 02/16/2022)
02/23/2022			Minute Entry for proceedings held before Judge Reggie B. Walton: Plea Agreement Hearing as to DANIEL MICHAEL MORRISSEY held on 2/23/2022. Plea of Guilty entered as to Count 4. REFERRAL TO PROBATION OFFICE for Presentence Investigation. Sentencing Memoranda due by 5/18/2022. Sentencing set for 5/24/2022 at 01:30 PM by VTC before Judge Reggie B. Walton. Bond Status of Defendant: Personal Recognizance/appeared by video; Court Reporter: Lisa Moreira; Defense Attorney: Anthony Solis; US Attorney: Christopher Tortorice. (adh,) (Entered: 02/23/2022)
02/23/2022	<u>16</u>		PLEA AGREEMENT as to DANIEL MICHAEL MORRISSEY (adh,) (Entered: 02/23/2022)
02/23/2022	<u>17</u>		STATEMENT OF OFFENSE by USA as to DANIEL MICHAEL MORRISSEY (adh,) (Entered: 02/23/2022)
04/19/2022	<u>19</u>		NOTICE OF ATTORNEY APPEARANCE: Anthony M. Solis appearing for DANIEL MICHAEL MORRISSEY (Solis, Anthony) (Entered: 04/19/2022)
05/02/2022	<u>20</u>		Unopposed MOTION to Continue <i>Sentencing Hearing</i> by DANIEL MICHAEL MORRISSEY. (Solis, Anthony) (Entered: 05/02/2022)

05/03/2022	<u>21</u>	ORDER as to DANIEL MICHAEL MORRISSEY granting defendant's Unopposed Motion to Continue Sentencing Hearing. Sentencing is reset for 7/26/2022 at 2:00 PM via video conference before Judge Reggie B. Walton. Signed by Judge Reggie B. Walton on 5/3/2022. (zcdw) (Entered: 05/03/2022)
06/28/2022	<u>26</u>	ORDER as to DANIEL MICHAEL MORRISSEY That The Parties Shall Appear For A Status Conference on 7/14/2022 at 10:00 AM in Telephonic/VTC before Judge Reggie B. Walton And That The Sentencing Hearing Scheduled For July 26, 2022 Is Vacated. (See Order For Additional Details) Signed by Judge Reggie B. Walton on 06/28/22. (mac) (Entered: 06/28/2022)
07/14/2022		Minute Entry for proceedings held Telephonically before Judge Reggie B. Walton:Status Conference as to DANIEL MICHAEL MORRISSEY held on 7/14/2022. Defendant Updated The Court In Regards To Attorney Representation. The Court Will Continue This Matter. Sentencing set for 8/16/2022 at 3:30 PM in Courtroom 16– In Person before Judge Reggie B. Walton. Bond Status of Defendant: ANTHONY SOLIS; Court Reporter: CATHRYN JONES; Defense Attorney: ANTHONY SOLIS; US Attorney: CHRISTOPHER TORTORICE; (mac) (Entered: 07/14/2022)
07/14/2022	<u>28</u>	ORDER as to DANIEL MICHAEL MORRISSEY That The Parties Shall Appear For A Sentencing on 8/16/2022 at 03:30 PM in Courtroom 16– In Person before Judge Reggie B. WaltonSigned by Judge Reggie B. Walton on 07/14/22. (mac) (Entered: 07/14/2022)
07/18/2022	<u>29</u>	STATUS REPORT <i>re Sentencing</i> by DANIEL MICHAEL MORRISSEY (Solis, Anthony) (Entered: 07/18/2022)
07/28/2022	<u>30</u>	SENTENCING MEMORANDUM by DANIEL MICHAEL MORRISSEY (Attachments: # <u>1</u> Exhibit A – Sentencing Letter)(Solis, Anthony) (Entered: 07/28/2022)
08/11/2022	<u>31</u>	SENTENCING MEMORANDUM by USA as to DANIEL MICHAEL MORRISSEY (Attachments: # <u>1</u> Sentencing Table)(Tortorice, Christopher) (Entered: 08/11/2022)
08/11/2022	<u>32</u>	NOTICE OF FILING OF EXHIBITS PURSUANT TO LOCAL CRIMINAL RULE 49 AND STANDING ORDER 21–28 by USA as to DANIEL MICHAEL MORRISSEY (Tortorice, Christopher) (Entered: 08/11/2022)
08/12/2022	<u>33</u>	SUPPLEMENT by USA as to DANIEL MICHAEL MORRISSEY re <u>31</u> SENTENCING MEMORANDUM (Tortorice, Christopher) Modified to add link on 8/15/2022 (zstd). (Entered: 08/12/2022)
08/15/2022		NOTICE OF HEARING as to DANIEL MICHAEL MORRISSEY: Sentencing set for 8/16/2022 at 3:00 PM in Courtroom 16– In Person before Judge Reggie B. Walton. PLEASE NOTE THE TIME CHANGE(mac) (Entered: 08/15/2022)
08/16/2022		Minute Entry for proceedings held Via VTC before Judge Reggie B. Walton:Sentencing held on 8/16/2022 as to DANIEL MICHAEL MORRISSEY. On Count(s) 4, The Defendant Is Sentenced To Forty–Five (45) Days Incarceration And Thirty–Six (36) Months Probation With A Fine Of \$2500.00, Restitution In The Amount Of \$500.00 And A Special Assessment Of \$10.00. Count(s) 1, 2, and 3 Are Dismissed On Oral Motion Of The Government. With No Objections From The Government, The Court Will Allow The Defendant To

		Self-Surrender As Notified By The Bureau Of Prisons. Bond Status of Defendant: APPEARED VIA VTC – REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: LISA GRIFFITH; Defense Attorney: ANTHONY SOLIS; US Attorney: CHRISTOPHER TORTORICE; Prob Officer: KELLI WILLETT; (mac) (Entered: 08/17/2022)
08/19/2022	<u>37</u>	JUDGMENT as to DANIEL MICHAEL MORRISSEY. Statement of Reasons Not Included. Signed by Judge Reggie B. Walton on 8/19/2022. (zstd) (Entered: 08/22/2022)
08/19/2022	<u>38</u>	STATEMENT OF REASONS as to DANIEL MICHAEL MORRISSEY re <u>37</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 Reggie B. Walton on 8/18/2022. (zstd) (Entered: 08/22/2022)
08/23/2022	<u>39</u>	NOTICE OF APPEAL – Final Judgment by DANIEL MICHAEL MORRISSEY re <u>37</u> Judgment. Fee Status: No Fee Paid. Parties have been notified. (Solis, Anthony) (Entered: 08/23/2022)
08/23/2022	<u>40</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee was not paid as the defendant is represented by a CJA appointed attorney as to DANIEL MICHAEL MORRISSEY re <u>39</u> Notice of Appeal – Final Judgment. (zstd) (Entered: 08/23/2022)
08/23/2022		USCA Case Number as to DANIEL MICHAEL MORRISSEY 22–3059 for <u>39</u> Notice of Appeal – Final Judgment filed by DANIEL MICHAEL MORRISSEY. (zstd) (Entered: 08/23/2022)
08/24/2022	<u>41</u>	MOTION For Permission to Proceed on Appeal In Forma Pauperis by DANIEL MICHAEL MORRISSEY. (Attachments: # <u>1</u> Affidavit)(Solis, Anthony) (Entered: 08/24/2022)
09/08/2022	<u>44</u>	ORDER of USCA (certified copy) as to DANIEL MICHAEL MORRISSEY re <u>39</u> Notice of Appeal – Final Judgment. This case be held in abeyance pending the district court's resolution of appellant's motion for leave to proceed on appeal in forma pauperis. USCA Case Number 22–3059. (zstd) (Entered: 09/19/2022)
09/09/2022	<u>42</u>	Unopposed MOTION for Extension of Time to <i>Surrender to the Bureau of Prisons</i> by DANIEL MICHAEL MORRISSEY. (Solis, Anthony) (Entered: 09/09/2022)
09/14/2022	<u>43</u>	ORDER granting <u>42</u> Motion for Extension of Time as to DANIEL MICHAEL MORRISSEY. It Is Ordered That The Defendant Shall Surrender For Service At The Institution Designated By The Bureau Of Prisons Before 2:00pm On November 28, 2022. Signed by Judge Reggie B. Walton on 09/14/22. (mac) (Entered: 09/14/2022)
10/18/2022	<u>45</u>	ORDER as to DANIEL MICHAEL MORRISSEY (1) granting in part and denying in part <u>41</u> Motion For Permission to Proceed on Appeal In Forma Pauperis. Signed by Judge Reggie B. Walton on 10/18/22. (mac) (Entered: 10/18/2022)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	Criminal Action No. 21-660 (RBW)
)	
DANIEL MICHAEL MORRISSEY,)	
)	
Defendant.)	
_____)	


ORDER

Upon consideration of the defendant’s Motion for Permission to Proceed on Appeal In Forma Pauperis, ECF No. 41, and the defendant’s Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis, ECF No. 41-1, it is hereby

ORDERED that the defendant’s Motion for Permission to Proceed on Appeal In Forma Pauperis, ECF No. 41, is **GRANTED IN PART AND DENIED IN PART**. The motion is **GRANTED** to the extent that the defendant seeks to proceed on appeal in forma pauperis. The motion is **DENIED WITHOUT PREJUDICE** in all other respects.¹ It is further

ORDERED that the defendant may proceed on appeal in forma pauperis.

SO ORDERED this 18th day of October, 2022.²



 REGGIE B. WALTON
 United States District Judge

¹ Regarding the defendant’s request to “have counsel appointed for him for the appeal[,]” see Motion for Permission to Proceed on Appeal In Forma Pauperis at 1, ECF No. 41, the defendant may file a motion with the District of Columbia Circuit seeking the appointment of counsel.

² The Clerk of the Court is directed to transmit a copy of this Order to the District of Columbia Circuit.