

APPEAL,CAP,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00178-APM-3**

Case title: USA v. SCHWARTZ et al

Magistrate judge case number: 1:22-mj-00011-GMH

Date Filed: 03/03/2021

Assigned to: Judge Amit P. Mehta

Defendant (3)

MARKUS MALY
also known as
MARCUS MALY

represented by **Benjamin Mark Schiffelbein**
FEDERAL PUBLIC DEFENDER
Western District of Virginia
210 First Street SW
Suite 400
Roanoke, VA 24011
540-777-0888
Fax: 540-777-0890
Email: benjamin_schiffelbein@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

18 U.S.C. 231(a)(3); CIVIL DISORDER;
Civil Disorder
(2)

18 U.S.C. 111(a)(1) and (b);
ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Assaulting,
Resisting, or Impeding Certain Officers
Using a Dangerous Weapon
(5)

18 U.S.C. 111(a)(1) and (b) and 2;
ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Assaulting,
Resisting, or Impeding Certain Officers
Using a Dangerous Weapon and Aiding
and Abetting

Disposition

Sentenced to sixty (60) months of
incarceration, followed by thirty-six (36)
months of supervised release. All terms of
incarceration and supervised release shall run
concurrently. Special assessment imposed on
this count in the amount of \$100.

Sentenced to seventy-two (72) months of
incarceration, followed by thirty-six (36)
months of supervised release. All terms of
incarceration and supervised release shall run
concurrently. Special assessment imposed on
this count in the amount of \$100.

Sentenced to seventy-two (72) months of
incarceration, followed by thirty-six (36)
months of supervised release. All terms of
incarceration and supervised release shall run
concurrently. Special assessment imposed on
this count in the amount of \$100.

(7)

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

(9)

18 U.S.C. 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

(10)

18 U.S.C. 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

(11)

40 U.S.C. 5104(e)(2)(D); VIOLENT
ENTRY AND DISORDERLY CONDUCT
ON CAPITOL GROUNDS; Disorderly
Conduct in a Capitol Grounds or Buildings

(12)

40 U.S.C. 5104(e)(2)(F); VIOLENT
ENTRY AND DISORDERLY CONDUCT
ON CAPITOL GROUNDS; Act of
Physical Violence in a Capitol Grounds or
Buildings

(13)

Sentenced to seventy-two (72) months of incarceration, followed by thirty-six (36) months of supervised release. All terms of incarceration and supervised release shall run concurrently. Special assessment imposed on this count in the amount of \$100.

Sentenced to seventy-two (72) months of incarceration, followed by thirty-six (36) months of supervised release. All terms of incarceration and supervised release shall run concurrently. Special assessment imposed on this count in the amount of \$100.

Sentenced to seventy-two (72) months of incarceration, followed by thirty-six (36) months of supervised release. All terms of incarceration and supervised release shall run concurrently. Special assessment imposed on this count in the amount of \$100.

Sentenced to six (6) months of incarceration. Special assessment imposed on this count in the amount of \$10.

Sentenced to six (6) months of incarceration. Special assessment imposed on this count in the amount of \$10.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in VIOLATION of 18 U.S.C. §§ 111(a)(1) and (b); 18 U.S.C. § 231(a)(3); 18 U.S.C. § 1512(c)(2); 18

Disposition

Disposition

Jury Verdict of Guilty on 12/6/2022.

U.S.C. § 1752(a)(1); 18 U.S.C. §
1752(a)(2); 18 U.S.C. § 1752(a)(4); 40
U.S.C. § 5104(e)(2)(D); 40 U.S.C. §
5104(e)(2)(E); 40 U.S.C. § 5104(e)(2)(F)

Plaintiff

USA

represented by **Jocelyn Patricia Bond**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20001
(202) 252-2571
Email: jocelyn.bond@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Cindy Jane Cho
DOJ-USAO
Southern District of Indiana
10 West Market Street
Suite 2100
Indianapolis, IN 46204
317-229-2425
Email: cindy.cho@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Elizabeth C. Kelley
U.S. ATTORNEY'S OFFICE
555 4th Street, N.W.
Washington, DC 20350
202-252-7238
Email: elizabeth.kelley@usdoj.gov
TERMINATED: 08/11/2022
Designation: Assistant U.S. Attorney

Mitra Jafary-Hariri
DOJ-USAO
211 W. Fort Street
Suite 2001
Detroit, MI 48226
313-226-9632
Email: mitra.jafary-hariri@usdoj.gov
TERMINATED: 04/25/2022
Designation: Assistant U.S. Attorney

Stephen James Rancourt
DOJ-USAO
Northern District of Texas

1205 Texas Avenue
 Suite 700
 Lubbock, TX 79412
 806-472-7351
 Email: stephen.rancourt@usdoj.gov
ATTORNEY TO BE NOTICED
 Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
01/13/2022	<u>1</u>	SEALED COMPLAINT as to MARKUS MALY (1). (Attachments: # <u>1</u> Statement of Facts) (zltf) [1:22-mj-00011-GMH] (Entered: 01/14/2022)
01/13/2022	<u>3</u>	MOTION to Seal Case by USA as to MARKUS MALY. (Attachments: # <u>1</u> Text of Proposed Order)(zltf) [1:22-mj-00011-GMH] (Entered: 01/14/2022)
01/13/2022	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to MARKUS MALY (1). Signed by Magistrate Judge G. Michael Harvey on 1/13/2022. (zltf) [1:22-mj-00011-GMH] (Entered: 01/14/2022)
01/26/2022	<u>5</u>	Arrest Warrant, dated 1/13/2022, Returned Executed on 1/26/2022 as to MARKUS MALY. (bb) [1:22-mj-00011-GMH] (Entered: 01/26/2022)
01/26/2022		Arrest of MARKUS MALY in Virginia. (bb) [1:22-mj-00011-GMH] (Entered: 01/26/2022)
01/26/2022		Case unsealed as to MARKUS MALY (bb) [1:22-mj-00011-GMH] (Entered: 01/26/2022)
02/03/2022	<u>6</u>	NOTICE OF ATTORNEY APPEARANCE: Benjamin Mark Schiffelbein appearing for MARKUS MALY (Schiffelbein, Benjamin) [1:22-mj-00011-GMH] (Entered: 02/03/2022)
02/08/2022	<u>7</u>	MOTION for Bond <i>review by District Court</i> by MARKUS MALY. (Schiffelbein, Benjamin)[1:22-mj-00011-GMH] (Entered: 02/08/2022)
02/09/2022	<u>63</u>	SECOND SUPERSEDING INDICTMENT as to PETER SCHWARTZ (1) count(s) 1ss, 2ss, 3ss-4ss, 7ss, 8ss, 9ss, 10ss, 11ss, 12ss, 13ss, JEFFREY SCOTT BROWN (2) count(s) 2s, 7s, 9s, 10s, 11s, 12s, 13s, MARKUS MALY (3) count(s) 2, 5, 7, 9, 10, 11, 12, 13, SHELLY STALLINGS (4) count(s) 2, 6, 9, 10, 11, 12, 13. (zltf) (Entered: 02/09/2022)
02/09/2022	<u>65</u>	MOTION to Seal Case by USA as to PETER SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, SHELLY STALLINGS. (Attachments: # <u>1</u> Text of Proposed Order)(zltf) (Entered: 02/09/2022)
02/09/2022	<u>66</u>	ORDER granting <u>65</u> Motion to Seal Case as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), MARKUS MALY (3), SHELLY STALLINGS (4). Signed by Magistrate Judge Robin M. Meriweather on 2/9/2022. (zltf) (Entered: 02/09/2022)
02/10/2022		MINUTE ORDER as to MARKUS MALY (3). The United States shall respond to Defendant's <u>7</u> Motion for District Court to Review Magistrate's Detention Order on or before February 15, 2022. To the extent available, the government's motion shall attach a transcript of Defendant's detention hearing and any written findings of the magistrate judge. Signed by Judge Amit P. Mehta on 2/10/2022. (zjd) (Entered: 02/10/2022)

02/15/2022	<u>70</u>	Opposition in Support of Pretrial Detention by USA as to MARKUS MALY (3) re <u>7</u> MOTION for Bond <i>review by District Court</i> (Attachment: # <u>1</u> Notice of Filing of Exhibits) (zjd) (Entered: 02/17/2022)
02/16/2022		Case unsealed as to MARKUS MALY, SHELLY STALLINGS (zltf) (Entered: 02/16/2022)
02/17/2022		ORAL MOTION to Appoint Counsel by MARKUS MALY (3). (zpt) (Entered: 02/17/2022)
02/17/2022		ORAL MOTION for Speedy Trial Waiver by USA as to MARKUS MALY (3). (zpt) (Entered: 02/17/2022)
02/17/2022		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: VTC Initial Appearance/Arrestment as to MARKUS MALY (3) Count 2,5,7,9,10,11,12,13 held on 2/17/2022. Not Guilty Plea entered by MARKUS MALY (3) as to all counts. Oral Motion to Appoint Counsel by MARKUS MALY (3) Heard and Granted. Court finds that the Defendant has had a Detention Hearing in the arresting jurisdiction where it was ruled that the Defendant shall be held pretrial. Oral Motion by the Government for Speedy Trial Waiver as to MARKUS MALY (3) Heard and Granted. Time between 2/17/2022 and 2/28/2022 (11 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Bond Status of Defendant: Defendant Remains Committed; Court Reporter: FTR-Gold FTR Time Frame: CTRM 4 [11:41:57-11:56:35]; Defense Attorney: Benjamin Schiffelbein; US Attorney: Frederick Yette for Mitra Jafary-Hariri; Pretrial Officer: Dashanta Valentine-Lewis; (zpt) (Entered: 02/17/2022)
02/21/2022	<u>72</u>	PRETRIAL ORDER as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), MARKUS MALY (3), SHELLY STALLINGS (4). Trial is set to commence in this matter on November 1, 2022, at 9:30 a.m., in Courtroom 10. The following deadlines shall govern this matter: (1) The parties shall file their Rule 12 motions, if any, on or before August 23, 2022; oppositions, if any, shall be filed on or before September 6, 2022; and replies, if any, shall be filed on or before September 13, 2022; (2) the United States shall notify Defendant of its intention to introduce any Rule 404(b) evidence not already disclosed on or before October 4, 2022; (3) motions in limine, if any, shall be filed on or before October 5, 2022; oppositions, if any, shall be filed on or before October 12, 2022; and replies, if any, shall be filed on or before October 19, 2022; (4) the United States is directed to make grand jury and Jencks Act disclosures as to each of its witnesses on or before October 25, 2022, and any Brady material not already disclosed also shall be disclosed by this date; (5) on or before October 14, 2022, counsel shall file a Joint Pretrial Statement; (6) counsel shall appear on September 16, 2022, at 1:00 p.m., for a hearing on Rule 12 pretrial motions, if necessary; and (7) counsel shall appear on October 21, 2022, at 3:00 p.m., for a final Pretrial Conference. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 2/21/2022. (lcapm2) (Entered: 02/21/2022)
02/24/2022		MINUTE ORDER as to JEFFREY SCOTT BROWN. The United States shall respond to Defendant Brown's 75 Motion to Reconsider Bond Status and Release Pending Trial by March 3, 2022. Signed by Judge Amit P. Mehta on 2/24/2022. (lcapm2) (Entered: 02/24/2022)
02/25/2022		NOTICE OF HEARING as to MARKUS MALY (3): Bond Hearing set for 2/28/2022 at 4:15 PM via videoconference before Judge Amit P. Mehta. The courtroom deputy has circulated connection information to counsel. Members of the public or media

		may access the hearing via teleconference by dialing the court's toll-free public access line: (877) 848-7030, access code 321-8747. (zjd) (Entered: 02/25/2022)
02/28/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Bond Hearing as to MARKUS MALY began and held via videoconference on 2/28/2022. Government's Submission due by 3/1/2022. Bond Hearing will resume on 3/2/2022 at 4:30 PM via videoconference before Judge Amit P. Mehta. Members of the public may access the hearing by dialing the court's toll-free public access line: (877) 848-7030, access code 321-8747. Bond Status of Defendant: remains in-custody; Court Reporter: William Zaremba; Defense Attorney: Benjamin Schiffelbein; US Attorney: Mitra Jafary-Hariri; Pretrial Officer: Shay Holman. (zjd) (Entered: 02/28/2022)
03/02/2022	<u>77</u>	NOTICE of Filing of Additional Exhibit by USA as to MARKUS MALY (Jafary-Hariri, Mitra) (Entered: 03/02/2022)
03/02/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Bond Hearing as to MARKUS MALY (3) resumed and held via videoconference on 3/2/2022. For the reasons stated on the record, the Court grants the defendant's <u>7</u> Motion for District Court to Review Magistrate's Detention Order. Government's Oral Motion to stay release order pending confirmation of appeal, heard and granted. The Government shall update the Court at the status conference. In the interests of justice, and for the reasons stated on the record, the time from 3/3/2022 through and including 4/18/2022 shall be excluded in computing the date for speedy trial in this case. Status Conference set for 3/4/2022 at 3:00 PM via videoconference before Judge Amit P. Mehta. Bond Status of Defendant: remains in-custody; Court Reporter: William Zaremba; Defense Attorney: Benjamin Schiffelbein; US Attorney: Mitra Jafary-Hariri; Pretrial Officer: Christine Schuck. (zjd) (Entered: 03/03/2022)
03/04/2022		Minute Entry for proceedings held via videoconference before Judge Amit P. Mehta: Status Conference as to MARKUS MALY (3) held on 3/4/2022. Bond Status of Defendant: appearance waived; released on personal recognizance, conditions set; Court Reporter: William Zaremba; Defense Attorney: Benjamin Schiffelbein; US Attorney: Mitra Jafary-Hariri; Pretrial Officer: Christine Schuck. (zjd) (Entered: 03/07/2022)
03/04/2022	<u>82</u>	ORDER Setting Conditions of Release with Global Positioning System Monitoring as to MARKUS MALY (3). Signed by Judge Amit P. Mehta on 3/4/2022. (Attachment: # <u>1</u> Appearance Bond) (zjd) (Entered: 03/07/2022)
03/07/2022	<u>80</u>	<p>TRANSCRIPT OF BOND HEARING VIA ZOOM PROCEEDINGS in case as to MARKUS MALY before Judge Amit P. Mehta held on February 28, 2022; Page Numbers: 1-47. Date of Issuance: March 7, 2022. Court Reporter/Transcriber: William Zaremba; Telephone number: (202) 354-3249. 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, PDF 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,</p>

		<p>which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 3/28/2022. Redacted Transcript Deadline set for 4/7/2022. Release of Transcript Restriction set for 6/5/2022.(wz) (Entered: 03/07/2022)</p>
03/07/2022	<u>81</u>	<p>TRANSCRIPT OF BOND HEARING VIA ZOOM PROCEEDINGS in case as to MARKUS MALY before Judge Amit P. Mehta held on March 2, 2022; Page Numbers: 1–41. Date of Issuance: March 7, 2022. Court Reporter/Transcriber: William Zaremba; Telephone number: (202) 354–3249. Transcripts may be ordered by submitting the Transcript Order Form</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, PDF 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 3/28/2022. Redacted Transcript Deadline set for 4/7/2022. Release of Transcript Restriction set for 6/5/2022.(wz) (Entered: 03/07/2022)</p>
03/08/2022	<u>83</u>	<p>Unopposed MOTION for Protective Order by USA as to MARKUS MALY. (Attachments: # <u>1</u> Text of Proposed Order)(Jafary–Hariri, Mitra) (Entered: 03/08/2022)</p>
03/08/2022	<u>84</u>	<p>Unopposed MOTION for Order to Disclose 6(e) and Sealed Materials by USA as to MARKUS MALY. (Attachments: # <u>1</u> Text of Proposed Order)(Jafary–Hariri, Mitra) Modified event on 3/9/2022 (znmw). (Entered: 03/08/2022)</p>
03/08/2022	<u>85</u>	<p>ORDER granting <u>83</u> Unopposed Motion for Protective Order as to MARKUS MALY (3) and entering Protective Order. See attached Order for details. Signed by Judge Amit P. Mehta on 3/8/2022. (lcapm2) (Entered: 03/08/2022)</p>
03/08/2022	<u>86</u>	<p>ORDER granting <u>84</u> Unopposed Motion for an Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials and entering Order as to MARKUS MALY (3). See attached Order for details. Signed by Judge Amit P. Mehta on 3/8/2022. (lcapm2) (Entered: 03/08/2022)</p>
03/11/2022	<u>87</u>	<p>AMENDED PRETRIAL ORDER as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), MARKUS MALY (3), and SHELLY STALLINGS (4). The <u>72</u> Pretrial Order is amended as follows: (1) The United States shall make any required expert disclosures pursuant to Rule 16(a)(1)(G) by September 13, 2022; any reciprocal expert disclosure by Defendants shall be made by September 27, 2022. (2) The United States shall identify the evidence it will seek to introduce under Federal Rule of Evidence 404(b) on or before September 20, 2022. (3) Motions in limine, if any, shall be filed on or before September 27, 2022; oppositions, if any, shall be filed on or before October 11, 2022; and replies, if any, shall be filed on or before October 18, 2022. (4) Defendants shall satisfy their reciprocal discovery obligations, if any, under</p>

		Rule 16(b) (except as to experts, as noted above) by September 13, 2022. The court will consider any motion in limine with respect to reciprocal discovery after such discovery is received. Any such motion shall be filed by September 20, 2022; any opposition to such motion shall be filed by September 27, 2022. (7) On or before September 27, 2022, counsel shall file a draft Joint Juror Questionnaire. Qualified prospective jurors will appear on October 18, 2022, to answer the finalized version of this questionnaire. More details about the procedure for this date will follow closer in time. (8) The Joint Pretrial Statement remains due on October 14, 2021, but it no longer needs to include any voir dire questions. See attached Order for additional details. Signed by Judge Amit P. Mehta on 3/11/2022. (lcapm2) (Entered: 03/11/2022)
03/16/2022	<u>89</u>	AMENDED PRETRIAL ORDER as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), MARKUS MALY (3), and SHELLY STALLINGS (4). The <u>87</u> Amended Pretrial Order is further amended as follows: Instead of submitting a jury questionnaire, counsel shall include a proposed list of voir dire questions to pose to prospective jurors in their Joint Pretrial Statement. See attached Order for details. Signed by Judge Amit P. Mehta on 3/16/2022. (lcapm2) (Entered: 03/16/2022)
04/18/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), MARKUS MALY (3), and SHELLY STALLINGS (4) held via videoconference on 4/18/2022. In the interests of justice, and for the reasons stated on the record, the time from 4/19/2022 through and including 6/24/2022 shall be excluded in computing the date for speedy trial in this case. Status Conference set for 6/24/2022 at 03:00 PM via videoconference before Judge Amit P. Mehta. Members of the public or media may access the hearing via teleconference by dialing the court's toll-free public access line: (877) 848-7030, access code 321-8747. Bond Status of Defendants: Schwartz (1) remains in-custody, Brown (2) remains in-custody, Maly (3) remains on personal recognizance, Stallings (4) remains on personal recognizance; Court Reporter: William Zaremba; Defense Attorneys: Dennis Boyle (1), Samuel Moore (2), Benjamin Schiffelbein (3), and Scott Wendelsdorf (4); US Attorneys: Jocelyn Bond and Mitra Jafary-Hariri. (zjd) (Entered: 04/20/2022)
04/25/2022	<u>102</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Cho, Cindy Jane added. (Cho, Cindy) (Entered: 04/25/2022)
06/05/2022	<u>103</u>	STATUS REPORT <i>Regarding Discovery</i> by JEFFREY SCOTT BROWN as to PETER SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, SHELLY STALLINGS (Moore, Samuel) (Entered: 06/05/2022)
06/22/2022		NOTICE OF HEARING as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), MARKUS MALY (3), and SHELLY STALLINGS (4): The Status Conference set for June 24, 2022 will proceed at 11:30 AM via videoconference before Judge Amit P. Mehta (same date, new time). Members of the public or media may access the hearing via teleconference by dialing the court's toll-free public access line: (877) 848-7030, access code 321-8747. The hearing originally scheduled for 3:00 PM is hereby vacated. (zjd) (Entered: 06/22/2022)
06/24/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), MARKUS MALY (3), and SHELLY STALLINGS (4) held via videoconference on 6/27/2022. In the interests of justice, and for the reasons stated on the record, the time from 6/25/2022 through and including 11/1/2022 shall be excluded in computing the date for speedy

		trial as to Schwartz (1), Maly (3), Stallings (4). In the interests of justice, and for the reasons stated on the record, the time from 6/25/2022 through and including 7/20/2022 shall be excluded in computing the date for speedy trial as to Brown (2). Status Conference as to JEFFREY SCOTT BROWN (2) set for 7/20/2022 at 10:00 AM before Judge Amit P. Mehta. Bond Status of Defendant: Schwartz (1) remains in-custody, Brown (2) remains in-custody, Maly (3) remains on personal recognizance, Stallings (4) remains on personal recognizance;; Court Reporter: William Zaremba; Defense Attorney: Dennis Boyle (1), Blerina Jasari (1), Farheena Siddiqui (2), Benjamin Schiffelbein (3), Scott Wendelsdorf (4); US Attorneys: Jocelyn Bond and Cindy Cho. (zjd) (Entered: 06/27/2022)
08/11/2022	<u>110</u>	NOTICE OF WITHDRAWAL OF APPEARANCE of <i>Elizabeth C. Kelley</i> by USA as to PETER SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, SHELLY STALLINGS (Kelley, Elizabeth) (Entered: 08/11/2022)
08/18/2022		MINUTE ORDER granting 114 Defendant Peter Schwartz's Unopposed Motion for Continuance of Motions Hearing. The following deadlines shall govern this matter: Rule 12 pretrial motions shall now be due on August 30, 2022; (2) oppositions to Rule 12 motions shall be due on September 13, 2022; and (3) replies shall be due on September 20, 2022. The court will set an oral argument date, if needed, when its schedule permits. Signed by Judge Amit P. Mehta on 8/18/2022. (lcapm2) (Entered: 08/18/2022)
08/18/2022	<u>115</u>	NOTICE OF ATTORNEY APPEARANCE Stephen James Rancourt appearing for USA. (Rancourt, Stephen) (Entered: 08/18/2022)
08/18/2022		Set/Reset Deadlines as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), MARKUS MALY (3), SHELLY STALLINGS (4): Motions due by 8/30/2022. Responses due by 9/13/2022 Replies due by 9/20/2022. (zjch,) (Entered: 08/18/2022)
08/30/2022	<u>124</u>	MOTION to Suppress <i>statements</i> by MARKUS MALY. (Schiffelbein, Benjamin) (Entered: 08/30/2022)
09/13/2022	<u>127</u>	Memorandum in Opposition by USA as to MARKUS MALY re <u>124</u> Motion to Suppress (Attachments: # <u>1</u> Exhibit 1– Maly Advice of Rights Form, # <u>2</u> Exhibit 2– FBI Report Fincastle SW Execution, # <u>3</u> Exhibit 3– FBI Report of 1/26/2022 Maly Interview)(Cho, Cindy) (Entered: 09/13/2022)
09/20/2022	<u>137</u>	NOTICE of Intent to Introduce Evidence under Federal Rule of Evidence 404(b) by USA as to MARKUS MALY (Attachments: # <u>1</u> Exhibit A)(Rancourt, Stephen) (Entered: 09/20/2022)
09/27/2022	<u>139</u>	ORDER granting 138 Unopposed Motion to Modify a Condition of Release as to JEFFREY SCOTT BROWN. Please see attached Order for additional details. Signed by Judge Amit P. Mehta on 9/27/2022. (lcapm2) (Entered: 09/27/2022)
09/27/2022	<u>140</u>	MOTION in Limine to Preclude Claim of Self–Defense for Defendants <i>Peter Schwartz, Jeffrey Brown, and Markus Maly</i> by USA as to PETER SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY. (Bond, Jocelyn) Modified event type and text to remove unassociated defendant on 9/28/2022 (zltf). (Entered: 09/27/2022)
10/11/2022	<u>142</u>	ORDER denying 118 Motion for Change of Venue as to PETER SCHWARTZ; denying 119 Motion to Dismiss as to SCHWARTZ; denying 120 Motion to Sever Defendant as to SCHWARTZ; denying 122 Motion to Sever Defendant as to

		JEFFREY SCOTT BROWN; denying 123 Motion for Change of Venue as to BROWN; and denying 126 Motion to Continue as to BROWN. See attached Order for additional details. Signed by Judge Amit P. Mehta on 10/11/2022. (lcapm2) (Entered: 10/11/2022)
10/11/2022	<u>143</u>	RESPONSE by PETER SCHWARTZ as to PETER SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, SHELLY STALLINGS re <u>140</u> MOTION in Limine (Attachments: # <u>1</u> Text of Proposed Order)(Boyle, Dennis) (Entered: 10/11/2022)
10/14/2022	<u>146</u>	ORDER granting 145 Motion to Modify Conditions of Release as to JEFFREY SCOTT BROWN. Please see attached Order for additional details. Signed by Judge Amit P. Mehta on 10/14/2022. (lcapm2) (Entered: 10/14/2022)
10/14/2022	<u>147</u>	Joint Pretrial Statement by USA as to PETER SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY (Attachments: # <u>1</u> Exhibit 1 – Statement of Case, # <u>2</u> Exhibit 2 – Voir Dire Questions, # <u>3</u> Exhibit 3 – Jury Instructions, # <u>4</u> Exhibit 4 – Govt Witness List, # <u>5</u> Exhibit 5 – Govt Exhibit List, # <u>6</u> Exhibit 6 – Stipulations, # <u>7</u> Exhibit 7 – Verdict Form Schwartz, # <u>8</u> Exhibit 8 – Verdict Form Brown, # <u>9</u> Exhibit 9 – Verdict Form Maly)(Cho, Cindy) Modified text on 10/24/2022 (zltf). (Entered: 10/14/2022)
10/21/2022		NOTICE OF HEARING as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), and MARKUS MALY (3): The Pretrial Conference set for October 21, 2022 shall now proceed at 2:00 PM in Courtroom 23 before Judge Amit P. Mehta. (zjd) (Entered: 10/21/2022)
10/21/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Pretrial Conference as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), MARKUS MALY (3) held on 10/21/2022. In the interests of justice, and for the reasons stated on the record, the time from 11/1/2022 through and including 11/22/2022 shall be excluded in computing the date from speedy trial in this case. Jury Selection set for 11/22/2022 at 09:30 AM in Courtroom 10 before Judge Amit P. Mehta. Jury Trial set for 11/29/2022 at 09:30 AM in Courtroom 10 before Judge Amit P. Mehta. Bond Status of Defendants: Schwartz (1) remains in-custody, Brown (2) remains on personal recognizance, Maly (3) appearance waived/remains on personal recognizance; Court Reporter: William Zaremba; Defense Attorneys: Dennis Boyle (1), Blerina Jasari (1), Samuel Moore (2), Farheena Siddiqui (2), and Benjamin Schiffelbein (3); US Attorneys: Jocelyn Bond, Cindy Cho, and Stephen Rancourt. (zjd) (Entered: 11/13/2022)
11/01/2022	<u>151</u>	Consent MOTION for Bond (<i>to amend conditions of release</i>) by MARKUS MALY. (Schiffelbein, Benjamin) (Entered: 11/01/2022)
11/03/2022		MINUTE ORDER granting Defendant MARKUS MALY's <u>151</u> Motion to Amend Conditions of Release. Defendant Maly's conditions of release are hereby modified to permit him to leave his home for purposes of work and traveling to and from work. Signed by Judge Amit P. Mehta on 11/3/2022. (lcapm2) (Entered: 11/03/2022)
11/04/2022		MINUTE ORDER granting 152 Unopposed Motion to Enlarge Time of Filing. The Government's response shall now be due on or before November 11, 2022. Signed by Judge Amit P. Mehta on 11/4/2022. (lcapm2) (Entered: 11/04/2022)
11/14/2022	<u>157</u>	MOTION in Limine by PETER SCHWARTZ as to PETER SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, SHELLY STALLINGS. (Attachments: # <u>1</u> Exhibit MIL Exhibit A)(Boyle, Dennis) (Entered: 11/14/2022)

11/16/2022		MINUTE ORDER denying Government's <u>140</u> Motion in Limine to Preclude Claim of Self-Defense as to PETER SCHWARTZ, JEFFREY SCOTT BROWN, and MARKUS MALY. Signed by Judge Amit P. Mehta on 11/16/2022. (lcapm2) (Entered: 11/16/2022)
11/16/2022		MINUTE ORDER denying Defendant MARKUS MALY's <u>124</u> Motion to Suppress Statements. Signed by Judge Amit P. Mehta on 11/16/2022. (lcapm2) (Entered: 11/16/2022)
11/21/2022	<u>159</u>	RESPONSE by USA as to PETER SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, SHELLY STALLINGS re <u>157</u> MOTION in Limine to Exclude Testimony (Rancourt, Stephen) (Entered: 11/21/2022)
11/21/2022		NOTICE OF HEARING as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), and MARKUS MALY (3): Jury Selection shall proceed on 11/22/2022 at 9:30 AM in Ceremonial Courtroom 20 before Judge Amit P. Mehta. (zjd) (Entered: 11/21/2022)
11/21/2022	<u>160</u>	RESPONSE by MARKUS MALY re <u>157</u> MOTION in Limine (Schiffelbein, Benjamin) (Entered: 11/21/2022)
11/22/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Jury Selection as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), and MARKUS MALY (3) held on 11/22/2022. Jury Selection shall resume on 11/29/2022 at 9:00 AM in Courtroom 10 before Judge Amit P. Mehta. Bond Status of Defendants: Schwartz (1) remains in-custody, Brown (2) remains on personal recognizance, Maly (3) remains on personal recognizance; Court Reporter: William Zaremba; Defense Attorneys: Dennis Boyle (1), Blerina Jasari (1), Samuel Moore (2), Farheena Siddiqui (2), and Benjamin Schiffelbein (3); US Attorneys: Jocelyn Bond, Cindy Cho, and Stephen Rancourt. (zjd) (Entered: 11/23/2022)
11/29/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Jury Trial as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), and MARKUS MALY (3) held on 11/29/2022. Panel of twelve (12) jurors and two (2) alternate jurors selected and sworn. Bond Status of Defendants: Schwartz (1) remains in-custody, Brown (2) and Maly (3) remain on personal recognizance; Court Reporters: William Zaremba (A.M.) and Heidi Geizer (P.M.); Defense Attorneys: Dennis Boyle (1), Blerina Jasari (1), Samuel Moore (2), Farheena Siddiqui (2), and Benjamin Schiffelbein (3); US Attorneys: Jocelyn Bond, Cindy Cho, and Stephen Rancourt. Government Witnesses: Captain Jessica Baboulis and Sgt. Jason Mastony. (zjd) (Entered: 11/30/2022)
11/29/2022		MINUTE ORDER: The Court having impaneled the jury in this action, it is hereby ORDERED that during trial and deliberations all meals for said jury shall be paid by the Clerk of the Court for the U.S. District Court for the District of Columbia. Approved by Judge Amit P. Mehta on 11/29/2022. (zjd) (Entered: 11/30/2022)
11/30/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Jury Trial as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), and MARKUS MALY (3) held on 11/30/2022. Same twelve (12) jurors and two (2) alternate jurors. Jury Trial shall resume on 12/1/2022 at 09:30 AM in Courtroom 10 before Judge Amit P. Mehta. Bond Status of Defendants: Schwartz (1) remains in-custody, Brown (2) and Maly (3) remain on personal recognizance; Court Reporters: William Zaremba (A.M.) and Heidi Geizer (P.M.); Defense Attorneys: Dennis Boyle (1), Blerina Jasari (1), Samuel Moore (2), Farheena Siddiqui (2), and Benjamin Schiffelbein (3); US

		Attorneys: Jocelyn Bond, Cindy Cho, and Stephen Rancourt. Government Witnesses: Sgt. Jason Mastony, Officer Christopher Boyle, and Officer David Pitt. (zjd) (Entered: 11/30/2022)
12/01/2022		MINUTE ORDER as to MARKUS MALY (3). Defendant MALY's GPS monitoring condition is hereby suspended until the conclusion of trial. Signed by Judge Amit P. Mehta on 12/1/2022. (lcapm2) Modified on 12/2/2022 (zjd) (Entered: 12/01/2022)
12/01/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Jury Trial as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), and MARKUS MALY (3) held on 12/1/2022. The juror in seat 9 (Juror #2696) was excused and replaced with an alternate juror. Twelve (12) jurors and one (1) alternate juror remain. Jury Trial shall resume on 12/2/2022 at 9:30 AM in Courtroom 10 before Judge Amit P. Mehta. Bond Status of Defendant: Schwartz (1) remains in-custody, Brown (2) and Maly (3) remain on personal recognizance; Court Reporter: William Zaremba (A.M.) and Heidi Geizer (P.M.); Defense Attorneys: Dennis Boyle (1), Blerina Jasari (1), Samuel Moore (2), Farheena Siddiqui (2), and Benjamin Schiffelbein (3); US Attorneys: Jocelyn Bond, Cindy Cho, and Stephen Rancourt. Government Witnesses: Officer David Pitt, Officer Phuson Nguyen, Sgt. William Bogner, Special Agent Jessica Salo. (zjd) (Entered: 12/01/2022)
12/02/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Jury Trial as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), and MARKUS MALY (3) held on 12/2/2022. Same twelve (12) jurors and one (1) alternate juror. The Government rests its case. Jury Trial shall resume on 12/5/2022 at 9:00 AM in Courtroom 10 before Judge Amit P. Mehta. Bond Status of Defendants: Schwartz (1) remains in-custody, Brown (2) and Maly (3) remain on personal recognizance; Court Reporter: Heidi Geizer (A.M.) and William Zaremba (P.M.); Defense Attorneys: Dennis Boyle (1), Blerina Jasari (1), Samuel Moore (2), Farheena Siddiqui (2), and Benjamin Schiffelbein (3); US Attorneys: Jocelyn Bond, Cindy Cho, and Stephen Rancourt. Government Witnesses: Special Agent Jessica Salo, Special Agent Shawn Cox, and Special Agent Emily Eckert. (zjd) (Entered: 12/05/2022)
12/05/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Jury Trial as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), and MARKUS MALY (3) held on 12/5/2022. Same twelve (12) jurors and one (1) alternate juror. Defendants' Rule 29 Motions heard and denied, for the reasons stated on the record. All defendants rest their cases. Closing Arguments shall resume on 12/6/2022 at 9:00 AM in Courtroom 10 before Judge Amit P. Mehta. Bond Status of Defendants: Schwartz (1) remains in-custody, Brown (2) and Maly (3) remain on personal recognizance; Court Reporter: William Zaremba; Defense Attorneys: Dennis Boyle (1), Blerina Jasari (1), Samuel Moore (2), Farheena Siddiqui (2), and Benjamin Schiffelbein (3); US Attorneys: Jocelyn Bond, Cindy Cho, and Stephen Rancourt. Defense Witness: Markus Maly. (zjd) (Entered: 12/05/2022)
12/05/2022	<u>163</u>	Proposed Jury Instructions by MARKUS MALY (Schiffelbein, Benjamin) (Entered: 12/05/2022)
12/06/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Jury Trial as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), and MARKUS MALY (3) held on 12/6/2022. Same twelve (12) jurors and one (1) alternate juror. Closing arguments concluded. Alternate juror excused. As to Defendant Schwartz (1), jury verdict of GUILTY as to Counts 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, and 13 of the <u>63</u> Second Superseding Indictment. As to Defendant Brown (2), jury verdict of GUILTY as to

		Counts 2, 7, 9, 10, 11, 12, and 13 of the <u>63</u> Second Superseding Indictment. As to Defendant Maly (3), jury verdict of GUILTY as to Counts 2, 5, 7, 9, 10, 11, 12, and 13 of the <u>63</u> Second Superseding Indictment. The parties shall contact Judge Mehta's courtroom deputy regarding sentencing dates. Bond Status of Defendant: Schwartz (1) remains in-custody, Brown (2) and Maly (3) committed, commitments issued; Court Reporter: William Zaremba (A.M.) and Melanie Wilkins (P.M.); Defense Attorneys: Dennis Boyle (1), Blerina Jasari (1), Farheena Siddiqui (2), Benjamin Schiffelbein (3); US Attorneys: Jocelyn Bond, Cindy Cho, and Stephen Rancourt. (zjd) (Entered: 12/06/2022)
12/06/2022	<u>164</u>	Jury Notes (2) as to PETER SCHWARTZ (1), JEFFREY SCOTT BROWN (2), and MARKUS MALY (3). (zjd) (Entered: 12/06/2022)
12/06/2022	<u>167</u>	JURY VERDICT as to MARKUS MALY (3). (zjd) (Entered: 12/06/2022)
12/07/2022	<u>169</u>	Jury Instruction Email Correspondence. (lcapm2) (Entered: 12/07/2022)
12/07/2022	<u>170</u>	Draft Jury Instructions. December 1, 2022. (lcapm2) (Entered: 12/07/2022)
12/07/2022	<u>171</u>	Draft Jury Instructions. December 2, 2022. (lcapm2) (Entered: 12/07/2022)
12/07/2022	<u>172</u>	Jury Instructions. (lcapm2) (zjd,). (Entered: 12/07/2022)
12/27/2022		MINUTE ORDER as to MARKUS MALY (3). The court hereby refers Defendant Maly to the U.S. Probation Office for preparation of a presentence investigation report. The Final Presentence Investigation Report shall be due on or before April 10, 2023. The Parties' Sentencing Memoranda shall be due on or before April 17, 2023. Replies, if any, shall be due on or before April 24, 2023. Reply briefs shall be limited to five pages. Sentencing for Markus Maly is set for April 28, 2023 at 1:30 PM in Courtroom 10 before Judge Amit P. Mehta. Signed by Judge Amit P. Mehta on 12/27/2022. (zjd) (Entered: 12/27/2022)
04/17/2023	<u>204</u>	SENTENCING MEMORANDUM by USA as to MARKUS MALY (Rancourt, Stephen) (Entered: 04/17/2023)
04/17/2023	<u>206</u>	SENTENCING MEMORANDUM by MARKUS MALY (Schiffelbein, Benjamin) (Entered: 04/17/2023)
04/18/2023	<u>207</u>	NOTICE of Filing of Exhibits Pursuant to Local Crim. R. 49 by USA as to MARKUS MALY re <u>204</u> Sentencing Memorandum (Attachments: # <u>1</u> Exhibit A)(Rancourt, Stephen) (Entered: 04/18/2023)
04/18/2023	<u>208</u>	SUPPLEMENT by MARKUS MALY re: <u>206</u> SENTENCING MEMORANDUM <i>Letter of Support</i> (Schiffelbein, Benjamin) Modified text to include link on 5/11/2023 (zltf). (Entered: 04/18/2023)
04/28/2023		NOTICE OF HEARING as to MARKUS MALY (3): The Sentencing set for April 28, 2023 is hereby vacated. The parties shall coordinate a new date with Judge Mehta's courtroom deputy. (zjd) (Entered: 04/28/2023)
05/03/2023		NOTICE OF HEARING as to MARKUS MALY (3): Sentencing reset to 6/9/2023 at 10:00 AM in Courtroom 10 before Judge Amit P. Mehta. (zjd) (Entered: 05/03/2023)
06/07/2023	<u>222</u>	SUPPLEMENT by USA as to MARKUS MALY re <u>204</u> Sentencing Memorandum (Rancourt, Stephen) (Entered: 06/07/2023)
06/08/2023	<u>223</u>	

		RESPONSE by MARKUS MALY re <u>204</u> Sentencing Memorandum and <u>222</u> (<i>why the court should not impose a fine against Mr. Maly</i>) (Schiffelbein, Benjamin) (Entered: 06/08/2023)
06/09/2023		Minute Entry for proceedings held before Judge Amit P. Mehta: Sentencing held on 6/9/2023 as to MARKUS MALY (3). Defendant sentenced to seventy-two (72) months of incarceration and thirty-six (36) months of supervised release as to Counts 5, 7, 9, 10, and 11. Defendant sentenced to sixty (60) months of incarceration and thirty-six (36) months of supervised release as to Count 2. Defendant sentenced to six (6) months as to Counts 12 and 13. All terms of incarceration and supervised release shall run concurrently. Bond Status of Defendant: remains in-custody; Court Reporter: William Zaremba; Defense Attorney: Benjamin Schiffelbein; US Attorney: Stephen Rancourt; Probation Officer: Kelli Willett. (zjd) (Entered: 06/09/2023)
06/21/2023	<u>224</u>	Unopposed MOTION for Extension of Time to File Response/Reply to the Court's Order to Show Cause by USA as to PETER SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, SHELLY STALLINGS. (Attachments: # <u>1</u> Text of Proposed Order)(Rancourt, Stephen) (Entered: 06/21/2023)
06/22/2023	<u>226</u>	JUDGMENT as to MARKUS MALY. Statement of Reasons Not Included. Signed by Judge Amit P. Mehta on 6/22/2023. (zltp) (Entered: 06/27/2023)
06/22/2023	<u>227</u>	STATEMENT OF REASONS as to MARKUS MALY. re <u>226</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 Amit P. Mehta on 6/22/2023. (zltp) (Entered: 06/27/2023)
06/23/2023	<u>225</u>	NOTICE OF APPEAL – Final Judgment by MARKUS MALY Fee Status: No Fee Paid. Parties have been notified. (Schiffelbein, Benjamin) (Entered: 06/23/2023)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

United States of America

v.

Docket 1:21-CR-178-3--APM

Markus Maly

Defendant's Notice of Appeal

Markus Maly, through counsel, notifies the court that he appeals from the final judgement entered against him on June 9, 2023. Mr. Maly is indigent and qualified for court appointed counsel in the district court. He asks the court waive prepayment of costs and fees associated with his appeal and allow him to proceed *in forma pauperis*.

Respectfully submitted,

/s/ Benjamin Schiffelbein
210 First Street SW, Ste 400
Roanoke, VA 24011
Benjamin_Schiffelbein@fd.org
540 777 0880

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

MARKUS MALY

JUDGMENT IN A CRIMINAL CASE

Case Number: 21-cr-178-APM-3

USM Number: 83302-509

Benjamin Mark Schiffelbein

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) _____

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) 2, 5, 7, 9, 10, 11, 12, 13 of the Second Superseding Indictment filed at ECF No. 63,
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>
18 U.S.C. § 231(a)(3)	Civil Disorder	1/6/2021	2

(cont.)

The defendant is sentenced as provided in pages 2 through 8 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) _____ 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.

6/9/2023

Date of Imposition of Judgment

Signature of Judge **Amit Mehta**
Digitally signed by Amit Mehta
Date: 2023.06.22 07:32:17 -04'00'

Amit P. Mehta, U.S. District Judge

Name and Title of Judge

Date

DEFENDANT: MARKUS MALY
CASE NUMBER: 21-cr-178-APM-3

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 111(a)(1) and (b)	Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon	1/6/2021	5
18 U.S.C. §§ 111(a)(1) and (b) and 2	Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon and Aiding and Abetting	1/6/2021	7
18 U.S.C. §§ 1752(a)(1) and (b)(1)(A)	Entering and Remaining in a Restricting Building or Grounds with a Deadly or Dangerous Weapon	1/6/2021	9
18 U.S.C. §§ 1752(a)(2) and (b)(1)(A)	Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon	1/6/2021	10
18 U.S.C. §§ 1752(a)(4) and (b)(1)(A)	Engaging in Physical Violence in Restricted Building or Grounds with a Deadly or Dangerous Weapon	1/6/2021	11
40 USC § 5104(e)(2)(D)	Disorderly Conduct in a Capitol Grounds or Buildings	1/6/2021	12
40 USC § 5104(e)(2)(F)	Act of Physical Violence in a Capitol Grounds or Buildings	1/6/2021	13

DEFENDANT: MARKUS MALY
 CASE NUMBER: 21-cr-178-APM-3

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **Seventy-two (72) months as to Counts 5, 7, 9, 10, and 11. Sixty (60) months as to Count 2. Six (6) months as to Counts 12 and 13. All terms of imprisonment shall run concurrently.**

The court makes the following recommendations to the Bureau of Prisons: placement at FCI Beckley or FCI Petersburg.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____ .

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____ .

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
 at _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
 DEPUTY UNITED STATES MARSHAL

DEFENDANT: MARKUS MALY
CASE NUMBER: 21-cr-178-APM-3

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

Thirty-six (36) months as to Counts 2, 5, 7, 9, 10, and 11. All terms shall run concurrently.

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 release from imprisonment 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 make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. 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)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

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: MARKUS MALY
CASE NUMBER: 21-cr-178-APM-3

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, 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 your release from imprisonment, 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: MARKUS MALY
CASE NUMBER: 21-cr-178-APM-3

ADDITIONAL SUPERVISED RELEASE TERMS

The Court approves transfer of jurisdiction and supervision to the district of residence.

The Probation Office shall release the presentence investigation report to all appropriate agencies, which includes the United States Probation Office in the approved district of residence, in order to execute the sentence of the Court. Treatment agencies shall return the presentence report to the Probation Office upon the defendant's completion or termination from treatment.

DEFENDANT: MARKUS MALY
 CASE NUMBER: 21-cr-178-APM-3

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	\$ 620.00	\$	\$	\$	\$

- 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>
TOTALS	\$ 0.00	\$ 0.00	

- 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: MARKUS MALY
CASE NUMBER: 21-cr-178-APM-3

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 \$ 620.00 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 special assessment is immediately payable to the Clerk of the Court for the US 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
---	--------------	-----------------------------	--

- 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.