

APPEAL,CAP,CAT A,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:22-cr-00149-JEB-1**

Case title: USA v. ZOYGANELES

Magistrate judge case number: 1:22-mj-00034-ZMF

Date Filed: 04/29/2022

Date Terminated: 09/26/2023

Assigned to: Chief Judge James E.
Boasberg

Defendant (1)

ATHANASIOS ZOYGANELES
TERMINATED: 09/26/2023

represented by **Allen Howard Orenberg**
THE ORENBERG LAW FIRM, P.C.
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TERMINATED: 01/26/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Peter A. Cooper
PETER A. COOPER
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ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

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

Disposition

DISMISSED ON ORAL MOTION BY THE
GOVERNMENT.

(1)

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

DISMISSED ON ORAL MOTION BY THE
GOVERNMENT.

(2)

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

DISMISSED ON ORAL MOTION BY THE
GOVERNMENT.

(3)

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

Defendant sentenced to nine (9) months Probation
with the Special Condition of ten (10) days
incarceration , a \$10 Special Assessment, and
Restitution in the amount of \$500.

(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),
40:5104(e)(2)(D) and
40:5104(e)(2)(G)

Disposition

Plaintiff

USA

represented by **Maria Y. Fedor**
U.S. Department of Justice
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(202) 353-7366

Email: maria.fedor@usdoj.gov
 TERMINATED: 12/21/2022
 LEAD ATTORNEY
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Raymond Woo
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 TERMINATED: 06/27/2023
 Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
02/18/2022	<u>1</u>	SEALED COMPLAINT as to ATHANASIOS ZOYGANELES (1). (Attachments: # <u>1</u> Statement of Facts) (zstd) [1:22-mj-00034-ZMF] (Entered: 02/18/2022)
02/18/2022	<u>3</u>	MOTION to Seal Case by USA as to ATHANASIOS ZOYGANELES. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:22-mj-00034-ZMF] (Entered: 02/18/2022)
02/18/2022	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to ATHANASIOS ZOYGANELES (1). Signed by Magistrate Judge Zia M. Faruqi on 2/18/2022. (zstd) [1:22-mj-00034-ZMF] (Entered: 02/18/2022)
02/22/2022	<u>5</u>	Arrest Warrant, dated 2/18/2022, Returned Executed on 2/22/2022 as to ATHANASIOS ZOYGANELES. (zstd) [1:22-mj-00034-ZMF] (Entered: 02/22/2022)
02/22/2022		Arrest of ATHANASIOS ZOYGANELES in Illinois. (zstd) [1:22-mj-00034-ZMF] (Entered: 02/22/2022)
02/22/2022		Case unsealed as to ATHANASIOS ZOYGANELES (zstd) [1:22-mj-00034-ZMF] (Entered: 02/22/2022)
03/03/2022	<u>7</u>	NOTICE OF ATTORNEY APPEARANCE: Allen Howard Orenberg appearing for ATHANASIOS ZOYGANELES <i>Nunc Pro Tunc To March 1, 2022</i> (Orenberg, Allen) [1:22-mj-00034-ZMF] (Entered: 03/03/2022)
03/03/2022	<u>8</u>	NOTICE OF ATTORNEY APPEARANCE Maria Y. Fedor appearing for USA. (Fedor, Maria) [1:22-mj-00034-ZMF] (Entered: 03/03/2022)
03/03/2022		

		ORAL MOTION for Speedy Trial by USA as to ATHANASIOS ZOYGANELES. (ztl) [1:22-mj-00034-ZMF] (Entered: 03/04/2022)
03/03/2022		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to ATHANASIOS ZOYGANELES held on 3/3/2022. Defendant present by video. The Court advised the Government of it's due process obligations under Rule 5(f). Allen Orenberg appointed as counsel. Defendant placed on Standard Conditions of Release. Oral Motion by the Government for Speedy Trial as to ATHANASIOS ZOYGANELES (1); heard and granted. Speedy Trial Excluded from 3/3/2024 to 5/12/2022 in the Interest of Justice (XT). Defendant waives right to a Preliminary Hearing. Status Hearing set for 5/12/2022 at 1:00 PM by Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [2:40:19-2:46:12]; Defense Attorney: Allen Orenberg; US Attorney: Frederick Yette for Maria Fedor; Pretrial Officer: Da'Shanta' Valentine-Lewis. (ztl) [1:22-mj-00034-ZMF] (Entered: 03/04/2022)
03/03/2022	<u>11</u>	ORDER Setting Conditions of Release as to ATHANASIOS ZOYGANELES (1) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqui on 3/3/2020. (Attachment: # <u>1</u> Appearance Bond) (ztl) [1:22-mj-00034-ZMF] (Entered: 03/07/2022)
03/07/2022	<u>10</u>	NOTICE <i>Of Filing Discovery Request Letter</i> by ATHANASIOS ZOYGANELES (Attachments: # <u>1</u> Exhibit Discovery Request Letter to AUSA Maria Y. Fedor)(Orenberg, Allen) [1:22-mj-00034-ZMF] (Entered: 03/07/2022)
04/13/2022	<u>12</u>	Consent MOTION for Protective Order by USA as to ATHANASIOS ZOYGANELES. (Attachments: # <u>1</u> Proposed Order)(Fedor, Maria) [1:22-mj-00034-ZMF] (Entered: 04/13/2022)
04/13/2022	<u>13</u>	Unopposed MOTION for Order to disclose items protected by Federal Rules of Criminal Procedure 6(e) and sealed materials by USA as to ATHANASIOS ZOYGANELES. (Attachments: # <u>1</u> Proposed Order)(Fedor, Maria) Modified on 4/14/2022 (znmw). [1:22-mj-00034-ZMF] (Entered: 04/13/2022)
04/14/2022		MINUTE ORDER (paperless), as to ATHANASIOS ZOYGANELES, GRANTING the government's <u>13</u> Unopposed Motion for an Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials, and AUTHORIZING the government, pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i) and the protective order to be entered governing discovery in this case, to provide to defendant, and any co-defendants who may later be joined, materials protected by Federal Rule of Criminal Procedure 6(e), insofar as such disclosure is necessary for the government to comply with its discovery and disclosure obligations; <i>provided</i> , however, that this authorization is contingent upon and shall not take effect until the granting of the government's <u>12</u> Consent Motion for Protective Order. Signed by Chief Judge Beryl A. Howell on April 14, 2022. (lcbah4) [1:22-mj-00034-ZMF] (Entered: 04/14/2022)
04/14/2022	<u>14</u>	PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to ATHANASIOS ZOYGANELES (1). Signed by Magistrate Judge G. Michael Harvey on 4/14/2022. (zpt) [1:22-mj-00034-ZMF] (Entered: 04/15/2022)
04/15/2022	<u>15</u>	NOTICE <i>OF FILING</i> by USA as to ATHANASIOS ZOYGANELES (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Memorandum in Support, # <u>4</u> Memorandum in Support, # <u>5</u> Memorandum in Support, # <u>6</u> Memorandum in

		Support)(Fedor, Maria) [1:22-mj-00034-ZMF] (Entered: 04/15/2022)
04/15/2022	<u>16</u>	NOTICE OF FILING UNITED STATES MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF FEBRUARY 9, 2022 by USA as to ATHANASIOS ZOYGANELES (Fedor, Maria) [1:22-mj-00034-ZMF] (Entered: 04/15/2022)
04/29/2022	<u>17</u>	INFORMATION as to ATHANASIOS ZOYGANELES (1) count(s) 1, 2, 3, 4. (zstd) (Entered: 04/29/2022)
04/29/2022		MINUTE ORDER: The hearing currently scheduled for 5/12/2022 before Magistrate Judge Robin M. Meriweather is hereby VACATED, as the Defendant has been charged by Information. As such, there are no pending matters necessitating action by a magistrate judge. The parties are directed to contact the assigned District Judge to schedule a status hearing and arraignment, if one has not yet been set. The parties are instructed to address any requests to toll the Speedy Trial Act to the assigned District Judge. Signed by Magistrate Judge G. Michael Harvey on 4/29/2022. (ztl) (Entered: 04/29/2022)
05/02/2022		MINUTE ORDER as to ATHANASIOS ZOYGANELES (1): Pursuant to the Due Process Protections Act, the Court ORDERS that all government counsel shall review their disclosure obligations under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1, and comply with those provisions. The failure to comply could result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, continuances, Bar discipline, or any other remedy that is just under the circumstances. So ORDERED, by Judge James E. Boasberg on 5/2/2022. (nbn) (Entered: 05/02/2022)
05/02/2022		MINUTE ORDER as to ATHANASIOS ZOYGANELES (1): After discussion with the parties, the Court ORDERS an Arraignment/Status Conference is set for 5/4/2022 at 11:00 AM before Judge James E. Boasberg. The hearing will proceed by videoconference for the parties and by telephone for members of the public. Pursuant to Standing Order 20-20 (BAH), the Court will provide public access to the hearing. It is hereby ORDERED that the participants using the public access telephone line shall adhere to the rules set forth in Standing Order 20-20 (BAH), available on the Court's website. Toll Free Number: 866-434-5269; Access Code: 2989848. So ORDERED, by Judge James E. Boasberg on 5/2/2022. (nbn) (Entered: 05/02/2022)
05/04/2022		Minute Entry for proceedings held before Judge James E. Boasberg: Video Arraignment as to ATHANASIOS ZOYGANELES (1) held on 5/4/202. Defendant arraigned and a plea of NOT GUILTY entered by ATHANASIOS ZOYGANELES (1) on counts 1-4. The Court will toll the Speedy Trial Clock between 5/4/2022 and 7/1/2022, in the Interest of Justice (XT). Excludable started as to ATHANASIOS ZOYGANELES (1). Status Conference set for 7/1/2022 at 10:00 AM in Telephonic/VTC before Judge James E. Boasberg. Bond Status of Defendant: remains on Personal Recognizance Bond/appeared via Zoom; Court Reporter: Lisa Griffith; Defense Attorney: Allen Howard Orenberg; US Attorney: Maria Y. Fedor. (nbn) (Entered: 05/04/2022)
05/24/2022	<u>19</u>	MOTION to Travel -- <i>International</i> by ATHANASIOS ZOYGANELES. (Attachments: # <u>1</u> Text of Proposed Order)(Orenberg, Allen) (Entered: 05/24/2022)
05/27/2022		MINUTE ORDER granting <u>19</u> Motion to Travel as to ATHANASIOS ZOYGANELES (1). So Ordered by Judge James E. Boasberg on 5/27/2022. (zcal) (Entered: 05/27/2022)

07/01/2022		Minute Entry for proceedings held before Judge James E. Boasberg: Video Plea Agreement Hearing as to ATHANASIOS ZOYGANELES (1) held on 7/1/2022. Defendant sworn and enters a Plea of Guilty as to Count 4 of the Information. The Court accepts the Plea and the Defendant is found Guilty. REFERRAL TO PROBATION OFFICE for Presentence Investigation as to ATHANASIOS ZOYGANELES (1). Sentencing set for 9/30/2022 at 02:00 PM in Courtroom 25A- In Person before Judge James E. Boasberg. Bond Status of Defendant: PR/appeared via Zoom video; Court Reporter: Lisa Griffith; Defense Attorney: Allen Orenberg; US Attorney: Maria Fedor. (nbn) (Entered: 07/01/2022)
07/01/2022	<u>21</u>	PLEA AGREEMENT as to ATHANASIOS ZOYGANELES (1). (nbn) (Entered: 07/01/2022)
07/01/2022	<u>22</u>	STATEMENT OF OFFENSE by USA as to ATHANASIOS ZOYGANELES (1). (nbn) (Entered: 07/01/2022)
08/03/2022	<u>23</u>	MOTION to Withdraw Plea of Guilty by ATHANASIOS ZOYGANELES. (Attachments: # <u>1</u> Text of Proposed Order)(Orenberg, Allen) (Entered: 08/03/2022)
08/12/2022	<u>24</u>	Unopposed MOTION for Extension of Time to File Response/Reply <i>TO DEFENDANTS MOTION TO WITHDRAW GUILTY PLEA</i> by USA as to ATHANASIOS ZOYGANELES. (Fedor, Maria) (Entered: 08/12/2022)
08/12/2022		MINUTE ORDER granting Government's Motion <u>24</u> for Extension of Time to File Response/Reply as to ATHANASIOS ZOYGANELES. The Government shall file the response by 8/24/2022. SO ORDERED by Judge James E. Boasberg on 8/12/2022. (lsj) (Entered: 08/12/2022)
08/22/2022	<u>25</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to ATHANASIOS ZOYGANELES before Judge James E. Boasberg held on 7-1-22; Page Numbers: 1-19. Date of Issuance:8-22-2022. Court Reporter/Transcriber Lisa Walker Griffith, Telephone number (202) 354-3247, 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, CD 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 9/12/2022. Redacted Transcript Deadline set for 9/22/2022. Release of Transcript Restriction set for 11/20/2022.(Griffith, Lisa) (Entered: 08/22/2022)</p>
08/23/2022	<u>26</u>	RESPONSE by USA as to ATHANASIOS ZOYGANELES re <u>23</u> MOTION to Withdraw Plea of Guilty <i>GOVERNMENTS OPPOSITION TO DEFENDANTS MOTION TO WITHDRAW GUILTY PLEA</i> (Fedor, Maria) (Entered: 08/23/2022)
09/08/2022		

		MINUTE ORDER as to ATHANASIOS ZOYGANELES (1): The Court ORDERS that the sentencing is VACATED pending a decision on Defendant's Motion to Withdraw Plea. So ORDERED, by Judge James E. Boasberg on 9/8/22. (nbn) (Entered: 09/08/2022)
10/07/2022	<u>27</u>	ORDER denying <u>23</u> Motion to Withdraw Plea of Guilty as to ATHANASIOS ZOYGANELES (1). Signed by Judge James E. Boasberg on 10/7/2022. (nbn) (Entered: 10/07/2022)
10/07/2022	<u>28</u>	MEMORANDUM OPINION re <u>27</u> ORDER denying <u>23</u> Motion to Withdraw Plea of Guilty as to ATHANASIOS ZOYGANELES (1). Signed by Judge James E. Boasberg on 10/7/2022. (nbn) (Entered: 10/07/2022)
10/07/2022		NOTICE OF HEARING as to ATHANASIOS ZOYGANELES (1): Sentencing set for 1/26/2023 at 11:00 AM in Courtroom 25A– In Person before Judge James E. Boasberg. (nbn) (Entered: 10/07/2022)
12/15/2022	<u>29</u>	STRICKEN PURSUANT TO THE MINUTE ORDER FILED ON 12/15/2022..... MOTION to Substitute Attorney by USA as to ATHANASIOS ZOYGANELES. (Campbell, Thomas) Modified on 12/15/2022 (nbn). (Entered: 12/15/2022)
12/15/2022		MINUTE ORDER as to ATHANASIOS ZOYGANELES (1): The Court ORDERS that because the Government's <u>29</u> Notice is misdocketed as a Motion, it is STRICKEN and shall be refiled correctly. So ORDERED, by Judge James E. Boasberg on 12/15/2022. (nbn) (Entered: 12/15/2022)
12/19/2022	<u>30</u>	Unopposed MOTION to Conduct Sentencing Hearing by Video–Conferencing by ATHANASIOS ZOYGANELES. (Attachments: # <u>1</u> Text of Proposed Order)(Orenberg, Allen) Modified text on 12/19/2022 (zstd). (Entered: 12/19/2022)
12/21/2022	<u>31</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Campbell, Thomas D. added. (Campbell, Thomas) (Entered: 12/21/2022)
01/03/2023		MINUTE ORDER granting <u>30</u> Motion as to ATHANASIOS ZOYGANELES (1). The Court ORDERS Sentencing set for 1/26/2023 at 11:00 AM in Courtroom 25a is hereby converted to Zoom video. The defendant shall submit a waiver of personal presence in connection with the January 26, 2023 sentencing hearing. So ORDERED, by Judge James E. Boasberg on 1/3/2023. (nbn) (Entered: 01/03/2023)
01/14/2023	<u>33</u>	NOTICE of the Filing of Defendant's Waiver of In–Court Presence by ATHANASIOS ZOYGANELES (Attachments: # <u>1</u> Exhibit Waiver of Presence)(Orenberg, Allen) (Entered: 01/14/2023)
01/19/2023	<u>37</u>	SENTENCING MEMORANDUM by USA as to ATHANASIOS ZOYGANELES (Attachments: # <u>1</u> Attachment Table of Sentences)(Campbell, Thomas) (Entered: 01/19/2023)
01/19/2023	<u>38</u>	SENTENCING MEMORANDUM by ATHANASIOS ZOYGANELES (Attachments: # <u>1</u> Exhibit Govt. Sentencing Table, 21–725–RDM (Doc.77–1))(Orenberg, Allen) (Entered: 01/19/2023)
01/24/2023	<u>39</u>	MOTION to Withdraw as Attorney by Allen H. Orenberg. by ATHANASIOS ZOYGANELES. (Attachments: # <u>1</u> Text of Proposed Order)(Orenberg, Allen) (Entered: 01/24/2023)
01/24/2023	<u>40</u>	

		MOTION to Continue <i>Sentencing Hearing Schedule for January 26, 2023</i> by ATHANASIOS ZOYGANELES. (Attachments: # <u>1</u> Text of Proposed Order)(Orenberg, Allen) (Entered: 01/24/2023)
01/25/2023		MINUTE ORDER as to ATHANASIOS ZOYGANELES (1): The Court ORDERS that: 1) Defendant's <u>40</u> Motion to Continue Sentencing is GRANTED; and 2) The sentencing set for January 26, 2023, is CONVERTED to a status hearing, at which the Court shall address counsels Motion to Withdraw. So ORDERED, by Judge James E. Boasberg on 1/25/2023. (nbn) (Entered: 01/25/2023)
01/25/2023		Set/Reset Hearings as to ATHANASIOS ZOYGANELES(1):Status Conference set for 1/26/2023 at 11:00 AM via Zoom before Judge James E. Boasberg. (nbn) Modified to amend hearing location on 1/25/2023 (nbn). (Entered: 01/25/2023)
01/26/2023		Minute Entry for proceedings held before Judge James E. Boasberg: Status Conference as to ATHANASIOS ZOYGANELES (1) held via Zoom video on 1/26/2023. The Court ORDERS <u>39</u> Motion to Withdraw as Attorney is hereby GRANTED. Attorney Allen Howard Orenberg is withdrawn from the case. A further Status Conference is set for 2/17/2023 at 03:00 PM in Telephonic/VTC before Judge James E. Boasberg. Bond Status of Defendant: remains on PR/appeared via Zoom video; Court Reporter: Tim Miller Defense Attorney: Allen Orenberg (withdrawn); US Attorney: Thomas Campbell. (nbn) (Entered: 01/26/2023)
02/17/2023		Minute Entry for proceedings held before Judge James E. Boasberg: Status Conference as to ATHANASIOS ZOYGANELES (1) held on 2/17/2023. A further Status Conference is set for 3/16/2023 at 11:00 AM in Telephonic/VTC before Judge James E. Boasberg. Bond Status of Defendant: remains on PR/appeared via Zoom video; Court Reporter: Tammy Nestor; Defense Attorney: Jose German; US Attorney: Thomas Campbell. (nbn) (Entered: 02/17/2023)
03/09/2023	<u>41</u>	NOTICE OF ATTORNEY APPEARANCE: Peter A. Cooper appearing for ATHANASIOS ZOYGANELES (Cooper, Peter) (Entered: 03/09/2023)
03/16/2023		Minute Entry for proceedings held before Judge James E. Boasberg: Status Conference as to ATHANASIOS ZOYGANELES (1) held via Zoom on 3/16/2023. The Court finds it in the Interest of Justice, to toll the Speedy Trial Clock between 3/16/2023 and 4/12/2023 (XT). Status Conference set for 4/12/2023 at 11:00 AM in Telephonic/VTC before Judge James E. Boasberg. Bond Status of Defendant: remains on PR/appeared via Zoom; Court Reporter: Tammy Nestor; Defense Attorney: Peter Cooper; US Attorney: Thomas Campbell. (nbn) (Entered: 03/16/2023)
04/10/2023	<u>44</u>	NOTICE OF ATTORNEY APPEARANCE Raymond Woo appearing for USA. (Woo, Raymond) (Entered: 04/10/2023)
04/11/2023	<u>45</u>	MOTION to Continue by ATHANASIOS ZOYGANELES. (Attachments: # <u>1</u> Text of Proposed Order)(Cooper, Peter) (Entered: 04/11/2023)
04/11/2023		MINUTE ORDER granting Consent Motion <u>45</u> to Continue as to ATHANASIOS ZOYGANELES. The Status Conference set for 4/12/2023 is vacated and reset for 5/31/2023 at 10:30 AM by VTC before Chief Judge James E. Boasberg. The Court finds it in the interest of justice to toll the speedy trial clock from 4/12/2023 through 5/31/2023. SO ORDERED by Chief Judge James E. Boasberg on 4/11/2023. (lsj) (Entered: 04/11/2023)
05/31/2023		

		Minute Entry for proceedings held before Chief Judge James E. Boasberg: Status Conference as to ATHANASIOS ZOYGANELES (1) held on 5/31/2023. The Court will hear oral argument regarding possible coercion of the plea entered by the defendant on 7/1/2022. The hearing will proceed in-person in Courtroom 22A before Chief Judge Boasberg. Bond Status of Defendant: remains on Supervised Release/appeared via Zoom; Court Reporter: Tammy Nestor; Defense Attorney: Peter Cooper; US Attorney: Thomas Campbell. (nbn) (Entered: 05/31/2023)
06/27/2023	<u>47</u>	NOTICE OF WITHDRAWAL OF APPEARANCE by USA as to ATHANASIOS ZOYGANELES (Woo, Raymond) (Entered: 06/27/2023)
06/30/2023	<u>48</u>	MOTION to Continue by ATHANASIOS ZOYGANELES. (Attachments: # <u>1</u> Text of Proposed Order)(Cooper, Peter) (Entered: 06/30/2023)
07/03/2023		MINUTE ORDER GRANTING <u>48</u> Motion to Continue as to ATHANASIOS ZOYGANELES (1): The Court ORDERS the hearing set for 7/13/2023 is VACATED and RESET for 8/23/2023 at 10:00 AM in Courtroom 22A– In Person before Chief Judge James E. Boasberg. So ORDERED, by Chief Judge James E. Boasberg on 7/3/2023. (nbn) (Entered: 07/03/2023)
08/11/2023	<u>50</u>	Joint MOTION to Continue <i>August 23, 2023, Status Hearing</i> , Joint MOTION to Exclude <i>Time</i> by USA as to ATHANASIOS ZOYGANELES. (Attachments: # <u>1</u> Proposed Order)(Campbell, Thomas) (Entered: 08/11/2023)
08/14/2023		MINUTE ORDER GRANTING <u>50</u> Motion to Continue as to ATHANASIOS ZOYGANELES (1): After discussions with the parties, the Court ORDERS the hearing set for 8/23/2023 is VACATED and RESET to 9/26/2023 at 10:00 AM in Courtroom 22A– In Person before Chief Judge James E. Boasberg. So ORDERED, by Chief Judge James E. Boasberg on 8/14/2023. (nbn) (Entered: 08/14/2023)
09/26/2023		Minute Entry for proceedings held before Chief Judge James E. Boasberg: Sentencing held on 9/26/2023 as to ATHANASIOS ZOYGANELES (1). Defendant sentenced to nine (9) months Probation with the Special Condition of ten (10) days incarceration, a \$10 Special Assessment, and Restitution in the amount of \$500 on count 4. See forthcoming judgment for further special conditions of Probation. Oral motion by the Government to "dismiss the remaining counts", HEARD and GRANTED. The Court ORDERS counts 1–3 are DISMISSED. Appeal rights given. Bond Status of Defendant: remains on Personal Recognizance Bond; Court Reporter: Tammy Nestor; Defense Attorney: Peter Cooper; US Attorney: Thomas Campbell; Prob Officer: Ami Landon. (nbn) (Entered: 09/26/2023)
09/26/2023	<u>52</u>	JUDGMENT as to ATHANASIOS ZOYGANELES. Statement of Reasons Not Included. Signed by Chief Judge James E. Boasberg on 9/26/2023. (zstd) (Entered: 09/28/2023)
09/26/2023	<u>53</u>	STATEMENT OF REASONS as to ATHANASIOS ZOYGANELES re <u>52</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 Chief Judge James E. Boasberg on 9/26/2023. (zstd) (Entered: 09/28/2023)
10/10/2023	<u>54</u>	NOTICE OF APPEAL – Final Judgment by ATHANASIOS ZOYGANELES Fee Status: No Fee Paid. Parties have been notified. (Cooper, Peter) (Main Document 54 replaced on 10/10/2023) (zstd). (Entered: 10/10/2023)

United States District Court for the District of Columbia

UNITED STATES OF AMERICA

vs.

Athanasios Zoyganales

Criminal No. 22-cr-149 (JEB)

NOTICE OF APPEAL

Name and address of appellant:

Athanasios Zoyganales

Name and address of appellant's attorney:

Peter Cooper
400 Fifth St NW
Washington DC 20002

Offense:

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

Convicted Parading/Demonstrating In Capitol Building in violation of 40 USC 5104(e)(2)
(G). Sentenced to 10-days incarceration, 9-months probation, \$500 restitution.

Name and institution where now confined, if not on bail:

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.

10/9/23
DATE

Athanasios Zoyganales (PC)
APPELLANT
Peter Cooper
ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE

CJA, NO FEE

PAID USDC FEE

PAID USCA FEE

Does counsel wish to appear on appeal?

Has counsel ordered transcripts?

Is this appeal pursuant to the 1984 Sentencing Reform Act?

YES ☐

YES ☐

YES ☒

NO ☒

NO ☒

NO ☐

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

ATHANASIOS ZOYGANELES

JUDGMENT IN A CRIMINAL CASE

Case Number: 22-cr-00149-JEB-1

USM Number: 87325-509

Peter Cooper

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) four (4) of the Information filed on 4/22/2022.☐ 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 USC § 5104(e)(2)(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) 1-3 ☐ 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.

9/26/2023

Date of Imposition of Judgment

Signature of Judge

James E. Boasberg, USDC Chief Judge

Name and Title of Judge

Date

9/26/23

DEFENDANT: ATHANASIOS ZOYGANELES
CASE NUMBER: 22-cr-00149-JEB-1

PROBATION

You are hereby sentenced to probation for a term of:
nine (9) months .

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: ATHANASIOS ZOYGANELES
CASE NUMBER: 22-cr-00149-JEB-1

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: ATHANASIOS ZOYGANELES
CASE NUMBER: 22-cr-00149-JEB-1

SPECIAL CONDITIONS OF SUPERVISION

While on supervision, you shall abide by the following mandatory conditions, as well as all discretionary conditions recommended by the probation office in Part D. Sentencing Options of the presentence report, which are imposed to establish the basic expectations for your conduct while on supervision. The mandatory conditions include:

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 supervision and at least two periodic drug tests thereafter, as determined by the court.
4. You must make restitution in accordance with 18 USC §§ 3663 and 3663A or any other statute authorizing a sentence of restitution.

You shall comply with the following special conditions:

Intermittent Confinement – You must serve a total of 10 days of intermittent confinement. The intermittent confinement shall be served for 10 consecutive (~~weekends or~~ days) at a facility designated by the Bureau of Prisons. You must follow the rules and regulations of the facility in which you are designated. The defendant may self surrender on a date no earlier than November 1, 2023. (Court recommends BOP placement at MCC Chicago)

Firearm Restriction - You shall remove firearms, destructive devices, or other dangerous weapons from areas over which you have access or control until the term of supervision expires.

Restitution Obligation – You must pay the balance of any restitution owed at a rate of no less than \$50 each month.

You are ordered to make restitution to in the amount of \$500 to the Architect of the Capitol. The court determined you do not have the ability to pay interest and therefore waives any interest or penalties that may accrue on the balance.

Restitution payments shall be made to the Clerk of the Court for the United States District Court, District of Columbia, for disbursement to the following victim:

\$500.00

Architect of the Capitol
Office of the Chief Financial
Officer
Ford House Office Building,
Room H2-205B
Washington, DC 20515

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: ATHANASIOS ZOYGANELES

CASE NUMBER: 22-cr-00149-JEB-1

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	\$	\$	\$

☐ 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>
Clerk of the Court for the United States			
District Court for the District of Columbia			
for disbursement to the following victims:			

Architect of the Capitol	\$500.00
Office of the Chief Financial Officer	
Ford House Office Building,	
Room H2-205B Washington, DC 20515	

TOTALS	\$ 0.00	\$ 500.00
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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: ATHANASIOS ZOYGANELES
CASE NUMBER: 22-cr-00149-JEB-1

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 \$ 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 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.