

#Date ↓ ↑ Description

05/04/2022 Arrest of COLTON WARGO in Ohio. (zstd) (Text entry; no document attached.)

505/04/2022 Arrest Warrant, dated 5/2/2022, Returned Executed on 5/4/2022 as to KIMBERLY WARGO. (zstd)

605/04/2022 Arrest Warrant, dated 5/2/2022, Returned Executed on 5/4/2022 as to COLTON WARGO. (zstd)

05/04/2022 Case unsealed as to KIMBERLY WARGO, COLTON WARGO (zstd) (Text entry; no document attached.)

05/04/2022 Redacted due to sealed restriction. Docket text can be viewed via the unredacted NEF receipt available here. (Requires CM/ECF login) (Text entry; no document attached.)

705/04/2022 Rule 5(c)(3) Documents Received as to KIMBERLY WARGO from United States District Court Northern District of Ohio (Cleveland) Case Number 1:22-mj-04140 (zstd)

905/04/2022 Rule 5(c)(3) Documents Received as to COLTON WARGO from United States District Court Northern District of Ohio (Cleveland) Case Number 1:22-mj-04141 (zstd)

05/04/2022 Arrest of KIMBERLY WARGO in Ohio. (zstd) (Text entry; no document attached.)

05/04/2022 Case unsealed as to KIMBERLY WARGO, COLTON WARGO (zstd) (Text entry; no document attached.)

05/04/2022 Redacted due to sealed restriction. Docket text can be viewed via the unredacted NEF receipt available here. (Requires CM/ECF login) (Text entry; no document attached.)

07/21/2022 ORAL MOTION to Appoint Counsel by COLTON WARGO (2). (Text entry; no document attached.)

07/21/2022 ORAL MOTION for Speedy Trial by USA as to COLTON WARGO (2). (Text entry; no document attached.)

07/21/2022 Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC First Appearance in the District as to COLTON WARGO (2) held on 7/21/2022. Defendant was present by video. Oral Motion to Appoint Counsel by COLTON WARGO (2); Heard and Granted. CJA Attorney Robert Jenkins was appointed for COLTON WARGO (2). Conditions of release were imposed. Oral Motion by the Government for Speedy Trial Waiver as to COLTON WARGO (2); Heard and Granted. Time between 7/21/2022 and 9/29/2022 (70 days) shall be excluded from calculation of time in the interest of justice (XT) under the Speedy Trial Act. Defendant waived his right to have the Preliminary Hearing within 21 days. Preliminary Hearing set for 9/29/2022 at 1:00 PM in Telephonic/VTC before the Duty Magistrate Judge. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond; Court Reporter: FTR Gold; FTR Time Frame: CTRM 6 [1:20:46-2:16:32]; Defense Attorney: Robert Jenkins; U.S. Attorney: Frederick Yette for Anita Eve; Pretrial Officer: John Copes. (Text entry; no document attached.)

07/21/2022 Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC First Appearance in the District as to KIMBERLY WARGO (1) held on 7/21/2022. Defendant was present by video. Oral Motion to Appoint Counsel by KIMBERLY WARGO (1); Heard and Granted. CJA Attorney Nathan Silver appointed for KIMBERLY WARGO (1). The Court imposed the same conditions of release that were imposed in the Northern District of Ohio. Due to reasons set forth on the record, a continued First Appearance in the District was set for 7/26/2022 at 1:00 PM by Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond; Court Reporter: FTR Gold; FTR Time Frame: CTRM 6[1:20:46-1:24:50], Sealed [1:24:50-1:26:26], [1:26:42-1:37:57], Sealed [1:37:57-2:08:34], [2:08:34-2:16:32]; Defense Attorney: Nathan Silver; U.S. Attorney: Frederick Yette for Anita Eve; Pretrial Officer: John Copes. (Text entry; no document attached.)

07/21/2022 MINUTE ORDER as to KIMBERLY WARGO (1) and COLTON WARGO (2): As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings. Signed by Magistrate Judge G. Michael Harvey on 7/21/2022. (Text entry; no document attached.)

07/21/2022 Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC First Appearance in the District as to KIMBERLY WARGO (1) held on 7/21/2022. Defendant was present by video. Oral Motion to Appoint Counsel by KIMBERLY WARGO (1); Heard and Granted. CJA Attorney Nathan Silver appointed for KIMBERLY WARGO (1). The Court imposed the same conditions of release that were imposed in the Northern District of Ohio. Due to reasons set forth on the record, a continued First Appearance in the District was set for 7/26/2022 at 1:00 PM by Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond; Court Reporter: FTR Gold; FTR Time Frame: CTRM 6[1:20:46-1:24:50], Sealed [1:24:50-1:26:26], [1:26:42-1:37:57], Sealed [1:37:57-2:08:34], [2:08:34-2:16:32]; Defense Attorney: Nathan Silver; U.S. Attorney: Frederick Yette for Anita Eve; Pretrial Officer: John Copes. (Text entry; no document attached.)

07/21/2022 MINUTE ORDER as to KIMBERLY WARGO (1) and COLTON WARGO (2): As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury

instructions, dismissal of charges and contempt proceedings. Signed by Magistrate Judge G. Michael Harvey on 7/21/2022. (Text entry; no document attached.)

07/21/2022ORAL MOTION to Appoint Counsel by KIMBERLY WARGO (1). (Text entry; no document attached.)

1307/22/2022NOTICE OF ATTORNEY APPEARANCE: Robert Lee Jenkins, Jr appearing for COLTON WARGO

1707/22/2022NOTICE OF ATTORNEY APPEARANCE: Nathan I. Silver, II appearing for KIMBERLY WARGO under the Criminal Justice Act npt to July 20, 2022

1807/21/2022ORDER Setting Conditions of Release as to COLTON WARGO (2) Personal Recognizance Bond. Signed by Magistrate Judge G. Michael Harvey on 7/21/2022.

1 Attachment ▼

07/26/2022ORAL MOTION for Speedy Trial by USA as to KIMBERLY WARGO (1). (Text entry; no document attached.)

07/26/2022Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Continued Initial Appearance as to KIMBERLY WARGO (1) held on 7/26/2022. Defendant was present by video. Standard conditions of release were finalized and imposed. Defendant waived the right to have the Preliminary Hearing. Oral Motion by the Government for Speedy Trial Waiver as to KIMBERLY WARGO (1); Heard and Granted. Time between 7/26/2022 and 9/29/2022 (65 days) shall be excluded from calculation of time in the interest of justice (XT) under the Speedy Trial Act. Status Hearing set for 9/29/2022 at 1:00 PM by Telephonic/VTC before the Duty Magistrate Judge. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond; Court Reporter: FTR Gold; FTR Time Frame: CTRM 6 [1:07:14-1:15:10]; Defense Attorney: Nathan Silver; U.S. Attorney: Frederick Yette for Anita Eve; Pretrial Officer: Andre Sidbury. (Text entry; no document attached.)

1907/26/2022ORDER Setting Conditions of Release as to KIMBERLY WARGO (1) Personal Recognizance Bond. Signed by Magistrate Judge G. Michael Harvey on 7/26/2022.

1 Attachment ▼

09/14/2022Set/Reset Hearings as to KIMBERLY WARGO (1): (UPDATING JUDGE ONLY) Status hearing set for 9/29/2022 at 1:00 PM by Telephonic/VTC before Magistrate Judge Moxila A. Upadhyaya. (zcll) (Text entry; no document attached.)

09/14/2022Set/Reset Hearings as to COLTON WARGO (2): (UPDATING JUDGE ONLY) Preliminary Hearing set for 9/29/2022 at 1:00 PM in Telephonic/VTC before Magistrate Judge Moxila A. Upadhyaya. (zcll) (Text entry; no document attached.)

09/23/2022Magistrate case closed for defendant COLTON WARGO and KIMBERLY WARGO, pending deadlines, motions, and excludables. Merged Criminal Number 22-319 (RCL). (zstd) (Text entry; no document attached.)

09/23/2022Magistrate case closed for defendant COLTON WARGO and KIMBERLY WARGO, pending deadlines, motions, and excludables. Merged Criminal Number 22-319 (RCL). (zstd) (Text entry; no document attached.)

## END OF CASE #22-mj-93 // BEGINNING OF NEW CASE #22-cr-319 BELOW

#Date ↑ Description

2009/23/2022INFORMATION as to KIMBERLY WARGO (1) count(s) 1, 2, 3, 4, COLTON WARGO (2) count(s) 1, 2, 3, 4. (zstd)

09/26/2022MINUTE ORDER as to KIMBERLY WARGO (1) and COLTON WARGO (2): The hearing currently scheduled for 09/29/2022 before Magistrate Judge Moxila A. Upadhyaya is hereby VACATED, as the Defendant(s): has had an initial appearance in the jurisdiction, has had counsel appointed, has been released on conditions, and 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 Moxila A. Upadhyaya on 09/26/2022. (zcll) (Text entry; no document attached.)

09/26/2022Terminate Deadlines and Hearings as to KIMBERLY WARGO (1) and COLTON WARGO (2): The hearing currently scheduled for 9/29/2022 before Magistrate Judge Moxila A. Upadhyaya is hereby VACATED. (zcll) (Text entry; no document attached.)

09/26/2022MINUTE ORDER as to KIMBERLY WARGO (1) and COLTON WARGO (2): The hearing currently scheduled for 09/29/2022 before Magistrate Judge Moxila A. Upadhyaya is hereby VACATED, as the Defendant(s): has had an initial appearance in the jurisdiction, has had counsel appointed, has been released on conditions, and

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 Moxila A. Upadhyaya on 09/26/2022. (zcll) (Text entry; no document attached.)

09/26/2022 Terminate Deadlines and Hearings as to KIMBERLY WARGO (1) and COLTON WARGO (2): The hearing currently scheduled for 9/29/2022 before Magistrate Judge Moxila A. Upadhyaya is hereby VACATED. (zcll) (Text entry; no document attached.)

10/14/2022 MINUTE ORDER as to KIMBERLY WARGO, COLTON WARGO: It is hereby ORDERED that a status conference and arraignment for both defendants is set for 10/20/2022 at 12:30 p.m. by VTC before Judge Royce C. Lamberth. Signed by Judge Royce C. Lamberth on 10/14/2022 (lcrcl3) (Text entry; no document attached.)

10/14/2022 Set/Reset Hearings as to KIMBERLY WARGO and COLTON WARGO: Arraignment set for 10/20/2022 at 12:30 PM by VTC before Judge Royce C. Lamberth. (Text entry; no document attached.)

10/14/2022 MINUTE ORDER as to KIMBERLY WARGO, COLTON WARGO: It is hereby ORDERED that a status conference and arraignment for both defendants is set for 10/20/2022 at 12:30 p.m. by VTC before Judge Royce C. Lamberth. Signed by Judge Royce C. Lamberth on 10/14/2022 (lcrcl3) (Text entry; no document attached.)

10/14/2022 Set/Reset Hearings as to KIMBERLY WARGO and COLTON WARGO: Arraignment set for 10/20/2022 at 12:30 PM by VTC before Judge Royce C. Lamberth. (Text entry; no document attached.)

11/10/2022 Minute Entry for video Arraignment held before Judge Royce C. Lamberth as to KIMBERLY WARGO (1) and COLTON WARGO (2) on 10/20/2022. Defendants consent to appear by video and arraigned. Defendants enter a Plea of Not Guilty as to Counts 1-4 of the Information and waives the formal reading. Status Conference set for 12/6/2022 at 12:30 PM by VTC before Judge Royce C. Lamberth. The Court finds it in the interest of justice to toll the speedy trial clock from 10/20/2022 through 12/6/2022. Bond Status of Defendants: remains on personal recognizance; Court Reporter: Sara Wick; Defense Attorneys: Nathan I. Silver, II (1) and Robert Lee Jenkins, Jr. (2); US Attorney: Anita Eve. (Text entry; no document attached.)

12/06/2022 Minute Entry for proceedings held before Judge Royce C. Lamberth: Status Conference as to KIMBERLY WARGO (1) and COLTON WARGO (2) held on 12/6/2022. Defendant's consent to proceed via Zoom video. The Court will toll the Speedy Trial Clock between 12/6/2022 and 2/7/2023, in the Interest of Justice (XT). Excludable started as to KIMBERLY WARGO (1) and COLTON WARGO (2). Status Conference set for 2/7/2023 at 11:30 AM in Telephonic/VTC before Judge Royce C. Lamberth. Bond Status of Defendant: PR/appeared via Zoom; Court Reporter: Jeff Hook; Defense Attorney: Nathan Silver II (1-2); US Attorney: Anita Eve. (Text entry; no document attached.)

12/06/2022 Minute Entry for proceedings held before Judge Royce C. Lamberth: Status Conference as to KIMBERLY WARGO (1) and COLTON WARGO (2) held on 12/6/2022. Defendants consent to proceed via Zoom video. The Court will toll the Speedy Trial Clock between 12/6/2022 and 2/7/2023, in the Interest of Justice (XT). Excludable started as to KIMBERLY WARGO (1) and COLTON WARGO (2). Status Conference set for 2/7/2023 at 11:30 AM in Telephonic/VTC before Judge Royce C. Lamberth. Bond Status of Defendant: PR/appeared via Zoom; Court Reporter: Jeff Hook; Defense Attorney: Nathan Silver II (1-2); US Attorney: Anita Eve. (Text entry; no document attached.)

**24**02/03/2023 Unopposed MOTION for Waiver of In-Person Hearing by KIMBERLY WARGO.

**1 Attachment** ▼

02/06/2023 MINUTE ORDER granting Motion [24] for Waiver of In-Person Hearing as to KIMBERLY WARGO (1); granting Motion [25] to Waive In-Person Appearance as to COLTON WARGO (2): It is hereby ORDERED that the status conference set for 02/07/2023 is converted to a plea hearing. It is further ORDERED that the motions are GRANTED and both defendants may appear virtually at the plea hearing. Signed by Judge Royce C. Lamberth on 02/06/2023. (lcrcl3) (Text entry; no document attached.)

02/07/2023 Minute Entry for Vide Plea Agreement proceeding held on 2/7/2023 before Judge Royce C. Lamberth as to KIMBERLY WARGO (1) and COLTON WARGO (2): Plea of Guilty entered by KIMBERLY WARGO (1) and COLTON WARGO (2) as to Count 4. REFERRAL TO PROBATION OFFICE for Presentence Investigation as to both defendants. Sentencing set for 5/5/2023 at 12:30 PM via Zoom before Judge Royce C. Lamberth. Bond Status of Defendants: Continued on Personal Recognizance Bond/Appeared by Video. US Attorney: Anita Eve. Defense Attorneys: 1- Nathan Silver, II and 2- Robert Lee Jenkins, Jr. Court Reporter: Stacy Heavenridge. (Text entry; no document attached.)

**25**02/06/2023 MOTION for Waiver In-Person Appearance by COLTON WARGO.

**2 Attachments ▼**

02/07/2023 Minute Entry for Vide Plea Agreement proceeding held on 2/7/2023 before Judge Royce C. Lamberth as to KIMBERLY WARGO (1) and COLTON WARGO (2): Plea of Guilty entered by KIMBERLY WARGO (1) and COLTON WARGO (2) as to Count 4. REFERRAL TO PROBATION OFFICE for Presentence Investigation as to both defendants. Sentencing set for 5/5/2023 at 12:30 PM via Zoom before Judge Royce C. Lamberth. Bond Status of Defendants: Continued on Personal Recognizance Bond/Appeared by Video. US Attorney: Anita Eve. Defense Attorneys: 1- Nathan Silver, II and 2- Robert Lee Jenkins, Jr. Court Reporter: Stacy Heavenridge. (Text entry; no document attached.)

02/06/2023 MINUTE ORDER granting Motion [24] for Waiver of In-Person Hearing as to KIMBERLY WARGO (1); granting Motion [25] to Waive In-Person Appearance as to COLTON WARGO (2): It is hereby ORDERED that the status conference set for 02/07/2023 is converted to a plea hearing. It is further ORDERED that the motions are GRANTED and both defendants may appear virtually at the plea hearing. Signed by Judge Royce C. Lamberth on 02/06/2023. (lcrcl3) (Text entry; no document attached.)

**30**04/25/2023 Unopposed MOTION to Continue Sentencing by KIMBERLY WARGO.

**1 Attachment ▼**

**31**04/25/2023 NOTICE (Unavailable Dates) by KIMBERLY WARGO re [30] Unopposed MOTION to Continue Sentencing

04/27/2023 MINUTE ORDER granting Motion [30] to Continue: It is hereby ORDERED that the motion is GRANTED and the sentencing for both defendants is reset for 06/15/2023 at 12:30 PM by VTC before Judge Royce C. Lamberth. Signed by Judge Royce C. Lamberth on 04/27/2023. (lcrcl3) (Text entry; no document attached.)

04/27/2023 MINUTE ORDER as to COLTON WARGO (1) and KIMBERLY WARGO (2) granting Motion 30 to Continue: It is hereby ORDERED that the motion is GRANTED and the sentencing for both defendants is reset for 6/15/2023 at 12:30 PM by Zoom before Judge Royce C. Lamberth. Signed by Judge Royce C. Lamberth on 04/27/2023. (lcrcl3) Modified on 4/27/2023 (zsmc). (Text entry; no document attached.)

**36**06/08/2023 SENTENCING MEMORANDUM by USA as to KIMBERLY WARGO

**37**06/08/2023 SENTENCING MEMORANDUM by USA as to COLTON WARGO

**38**06/08/2023 SENTENCING MEMORANDUM by COLTON WARGO

**39**06/12/2023 SENTENCING MEMORANDUM by COLTON WARGO

**40**06/12/2023 MOTION to Strike Docket Entry #38 by COLTON WARGO.

**1 Attachment ▼**

**41**06/12/2023 ORDER granting Motion [40] to Strike Docket Entry #[38] as to COLTON WARGO (2). Signed by Judge Royce C. Lamberth on 06/12/2023. (lcrcl2)

**42**06/12/2023 SENTENCING MEMORANDUM by KIMBERLY WARGO

**1 Attachment ▼**

**45**02/07/2023 PLEA AGREEMENT as to KIMBERLY WARGO (1).

**46**02/07/2023 STATEMENT OF OFFENSE by USA as to KIMBERLY WARGO (1).

**47**02/07/2023 PLEA AGREEMENT as to COLTON WARGO (2).

**48**02/07/2023 STATEMENT OF OFFENSE by USA as to COLTON WARGO (2).

06/15/2023 Minute Entry for Sentencing held on 6/15/2023 before Judge Royce C. Lamberth as to KIMBERLY WARGO (1): It is the judgment of the Court, that the Defendant is hereby committed to the custody of the Bureau of Prisons for a term of fourteen (14) days as to Count 4. Defendant is further sentenced to serve a Thirty-Six (36) month term of probation as to Count 4. In addition, the defendant is ordered to pay a special assessment of \$10 and restitution in the amount of \$500. Bond Status of Defendant: remains on Personal Recognizance and permitted to self-surrender. US Attorney: Anita Eve. Defense Attorney: Nathan Silver II. Probation Officer: Sherry Baker. Court Reporter: Lorraine Herman. (Text entry; no document attached.)

06/15/2023 Minute Entry for Sentencing held on 6/15/2023 before Judge Royce C. Lamberth as to COLTON WARGO (2): It is the judgment of the Court, that the Defendant is hereby committed to the custody of the Bureau of Prisons for a term of fourteen (14) days as to Count 4. Defendant is further sentenced to serve a Thirty-Six (36) month term of probation as to Count 4. In addition, the defendant is ordered to pay a special assessment of \$10 and restitution in the amount of \$500. Bond Status of Defendant: remains on Personal Recognizance and permitted to self-surrender. US Attorney: Anita Eve. Defense Attorney: Nathan Silver II. Probation Officer: Sherry Baker. Court Reporter: Lorraine Herman. (Text entry; no document attached.)

**49**06/21/2023 JUDGMENT as to KIMBERLY WARGO. Statement of Reasons Not Included. Signed by Judge Royce C. Lamberth on 6/21/2023. (zstd)

**50**06/21/2023STATEMENT OF REASONS as to KIMBERLY WARGO re 49 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 Royce C. Lamberth on 6/21/2023. (zstd)

**51**06/21/2023JUDGMENT as to COLTON WARGO. Statement of Reasons Not Included. Signed by Judge Royce C. Lamberth on 6/21/2023. (zstd)

**52**06/21/2023STATEMENT OF REASONS as to COLTON WARGO re 51 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 Royce C. Lamberth on 6/21/2023. (zstd)