

#Date ⚡ Description

08/11/2023MINUTE ORDER as to BRYAN ROGER BISHOP: It is hereby ORDERED that Defendant appear for an initial appearance on 8/17/2023 at 12:30 p.m. before Magistrate Judge Moxila A. Upadhyaya. The hearing will be conducted by video teleconference; call-in instructions will be provided to counsel prior to the hearing. Counsel for the United States is directed to ensure that counsel for Defendant has received this Order and will provide the information to Defendant. If Defendant does not have counsel, counsel for the United States is directed to contact the Office of the Federal Public Defender for the District of Columbia and provide their office with the information contained in this Order. If the parties have questions about this Order or the scheduled hearing, please contact the Courtroom Deputy at 202-354-3165. Signed by Magistrate Judge Moxila A. Upadhyaya on 8/11/2023. (zcll) (Text entry; no document attached.)

508/10/2023Arrest Warrant, dated 8/2/2023, Returned Executed on 8/7/2023 as to BRYAN ROGER BISHOP. (zltf)

08/10/2023Arrest of BRYAN ROGER BISHOP in Florida. (zltf) (Text entry; no document attached.)

08/10/2023Case unsealed as to BRYAN ROGER BISHOP (zltf) (Text entry; no document attached.)

08/10/2023Redacted 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.)

608/14/2023NOTICE OF ATTORNEY APPEARANCE: Lionel Andre appearing for BRYAN ROGER BISHOP Notice of Appearance

08/17/2023MINUTE ORDER as to BRYAN ROGER BISHOP: 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 Moxila A. Upadhyaya on 8/17/2023. (zcll) (Text entry; no document attached.)

08/17/2023ORAL MOTION for Speedy Trial by USA as to BRYAN ROGER BISHOP. (znjb) (Text entry; no document attached.)

08/17/2023Minute Entry for proceedings held before Magistrate Judge Moxila A. Upadhyaya: First Appearance in the District as to BRYAN ROGER BISHOP held on 8/17/2023. Defendant present by video. The Court advised the Government of its Due Process Obligations under Rule 5(f). Defendant retained Counsel. Oral Motion by the Government for Speedy Trial as to BRYAN ROGER BISHOP; heard and granted. Speedy Trial Excluded between 8/17/2023 to 10/31/2023 in the Interest of Justice (XT). Defendant waives right to Preliminary Hearing. Status Hearing set for 10/31/2023 at 1:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui. Bond Status of Defendant: Defendant released on Personal Recognizance; Court Reporter: FTR- GOLD; FTR Time Frame: CRTM 5: [1:29:51-1:46:18]; Defense Attorney: Lionel Andre; US Attorney: Kyle Mirabelli for Holly Grosshans; Pretrial Officer: Britney Dahlkoetter. (znjb) (Text entry; no document attached.)

808/17/2023ORDER Setting Conditions of Release as to BRYAN ROGER BISHOP (1) Personal Recognizance. Signed by Magistrate Judge Moxila A. Upadhyaya on 8/17/2023. (Attachment: # 1 Appearance Bond) (znjb)

909/19/2023Unopposed MOTION for Protective Order by USA as to BRYAN ROGER BISHOP.

2 Attachments ▼

1009/19/2023MOTION for Disclosure of ITEMS PROTECTED BY FEDERAL RULE OF CRIMINAL PROCEDURE 6(e) AND SEALED MATERIALS by USA as to BRYAN ROGER BISHOP.

1109/21/2023ORDER granting [9] Motion for Protective Order Governing Discovery as to BRYAN ROGER BISHOP (1). Signed by Magistrate Judge Robin M. Meriweather on 9/21/2023. (znjb)

09/25/2023MINUTE ORDER as to BRYAN ROGER BISHOP (1), GRANTING the government's unopposed [10] 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 previously entered [11] Protective Order governing discovery in this case,

to provide to defendant, and any co-defendant 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. So ORDERED by Chief Judge James E. Boasberg on 9/25/2023. (Text entry; no document attached.)

[1209/29/2023NOTICE of Filing by USA as to BRYAN ROGER BISHOP](#)

7 Attachments ▼

[1310/11/2023MOTION to Modify Conditions of Release by BRYAN ROGER BISHOP.](#)

1 Attachment ▼

[1410/20/2023Amended MOTION to Modify Conditions of Release by BRYAN ROGER BISHOP.](#)

1 Attachment ▼

[1510/23/2023Consent MOTION to Continue Status Conference and Exclude Time by USA as to BRYAN ROGER BISHOP.](#)

[1610/23/2023MOTION to Exclude by USA as to BRYAN ROGER BISHOP. \(See docket entry \[15\] to view document.\) \(zstd\)](#)

[1710/25/2023ORDER granting \[15\] Motion to Continue Status Hearing as to BRYAN ROGER BISHOP \(1\). Status Hearing set for 11/30/2023 at 1:00 PM by Telephonic/VTC before Magistrate Judge Moxila A. Upadhyaya. Signed by Magistrate Judge Zia M. Faruqui on 10/25/2023.](#)

[1810/27/2023Memorandum in Opposition by USA as to BRYAN ROGER BISHOP re \[14\] Motion to Modify Conditions of Release](#)

1 Attachment ▼

11/15/2023Magistrate case closed for defendant BRYAN ROGER BISHOP, pending deadlines, motions, and excludables. Merged Criminal Number 23-400 (TJK). (zltf) (Text entry; no document attached.)

END OF MAGISTRATE CASE #23-mj-194 // BEGINNING OF NEW CASE #23-cr-400 BELOW

#Date ↓ Description

[1911/15/2023INDICTMENT as to BRYAN ROGER BISHOP \(1\) count\(s\) 1, 2-3, 4, 5, 6, 7, 8, 9. \(zltf\)](#)

[11/15/2023MINUTE ORDER: The hearing currently scheduled for 11/30/2023 before Magistrate Judge Moxila A. Upadhyaya is hereby VACATED, as BRYAN ROGER BISHOP: has had an initial appearance in this jurisdiction and has been charged by Indictment. 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 Robin M. Meriweather on 11/15/2023. \(znjb\) \(Text entry; no document attached.\)](#)

[11/15/2023Terminate Deadlines and Hearings as to BRYAN ROGER BISHOP: Status Hearing set for 11/30/2023 at 1:00 PM by Telephonic/VTC before Magistrate Judge Moxila A. Upadhyaya is hereby VACATED. \(znjb\) \(Text entry; no document attached.\)](#)

[11/17/2023NOTICE OF HEARING as to BRYAN ROGER BISHOP: VTC Arraignment set for 11/29/2023 at 1:30 PM before Judge Timothy J. Kelly. \(Text entry; no document attached.\)](#)

[2212/13/2023MOTION for Leave to File Under Seal by USA as to BRYAN ROGER BISHOP.](#)

[2312/13/2023Memorandum in Opposition by USA as to BRYAN ROGER BISHOP re \[14\] Motion to Modify Conditions of Release, \[Redacted\]](#)

1 Attachment ▼

12/15/2023MINUTE ORDER as to BRYAN ROGER BISHOP granting the Government's [22] Motion for Leave to File Under Seal. Upon consideration of the Government's [22] Motion, it is hereby ORDERED that the Motion is granted. It is further ORDERED that the Government shall file under seal an unredacted version of its [23] Memorandum in Opposition by December 18, 2023. The Clerk of Court is directed to

maintain that unredacted version under seal. Signed by Judge Timothy J. Kelly on 12/15/2023. (lctjk2) (Text entry; no document attached.)

2412/18/2023Memorandum in Opposition by USA as to BRYAN ROGER BISHOP re [14] Motion to Modify Conditions of Release

2512/19/2023MOTION for Leave to File Redacted Reply to Government's Opposition by BRYAN ROGER BISHOP.

12/22/2023MINUTE ORDER as to BRYAN ROGER BISHOP granting Defendant's [25] Motion for Leave to File Under Seal. Upon consideration of Defendant's [25] Motion, it is hereby ORDERED that the Motion is granted. It is further ORDERED that in order to address the sensitive information contained in the Government's sealed [24] Memorandum in Opposition, Defendant shall file his unredacted reply under seal and shall separately file a redacted version on the public docket. The Clerk of Court is directed to maintain the unredacted version under seal. Signed by Judge Timothy J. Kelly on 12/22/2023. (lctjk2) (Text entry; no document attached.)

2612/22/2023MOTION to Modify Conditions of Release Redacted Reply to Government's Opposition by BRYAN ROGER BISHOP.

01/04/2024MINUTE ORDER as to BRYAN ROGER BISHOP: Upon consideration of Defendant's [14] Corrected Motion to Modify Pretrial Release Conditions, the Government's [24] Memorandum in Opposition, and Defendant's [27] Reply to Opposition, it is hereby ORDERED that the Government shall arrange for Defendant's Probation Officer in the Southern District of Florida, Justin Wilson, to appear at the VTC Status Conference set for January 30, 2024, at 9:30 a.m. Signed by Judge Timothy J. Kelly on 1/4/2024. (lctjk2) (Text entry; no document attached.)

2801/05/2024Consent MOTION to Reschedule Status Conference by USA as to BRYAN ROGER BISHOP.

01/08/2024MINUTE ORDER: Upon consideration of the Government's [28] Consent Motion to Reschedule Status Conference, it is hereby ORDERED that the [28] Motion is GRANTED. It is further ORDERED that the VTC Status Conference currently set for January 30, 2024, at 9:30 a.m. shall be RESCHEDULED for January 29, 2024, at 10:00 a.m. Signed by Judge Timothy J. Kelly on 1/8/2024. (lctjk2) (Text entry; no document attached.)

01/29/2024Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to BRYAN ROGER BISHOP held on 1/29/2024. Defendant appeared by video. Oral argument heard on Defendant's [13] and [14] MOTIONS to Modify Conditions of Release, and taken under advisement. Speedy Trial Excludable (XT) started 1/29/2024 through 3/7/2024, in the interest of justice. VTC Status Conference set for 3/7/2024 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance/HISP; Court Reporter: Timothy Miller; Defense Attorney: Lionel Andre; US Attorneys: Holly Fugiel Grosshans and Sonia Murphy; Prob Officer: Justin Wilson; Pretrial Officer: John Copes. (Text entry; no document attached.)

3101/29/2024NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Murphy, Sonia Williams added.

01/31/2024MINUTE ORDER as to BRYAN ROGER BISHOP granting Defendant's [14] Corrected Motion to Modify Pretrial Conditions of Release. Defendant requests that the Court remove his condition of pretrial release, first ordered by a judge in another district at his initial appearance and then maintained by a magistrate judge here, that subjects him to location monitoring by requiring him to wear a GPS monitor. Defendant explains that the non-waterproof GPS monitor prevents him from performing necessary tasks, including maintaining his boat (where he resides) and spearfishing (which supplements his income). The Bail Reform Act requires the Court, after considering the factors set forth in [§ 3142\(g\)](#), to impose the "least restrictive" release conditions that "will reasonably assure the appearance of the person as required and the safety of any other person and the community." 18 U.S.C. [§ 3142\(c\)\(1\)\(B\)](#). For its part, the Government does not appear to directly argue that location monitoring is necessary because Defendant poses a risk to "the safety of any other person or the community." And while Defendant is charged with

committing violent felony offenses on January 6, 2021, he has no criminal record and has complied with his conditions of release to date, including apparently facilitating the replacement of his malfunctioning GPS monitor. ECF 14 at 2. Nor does the Court find any specific reason to believe that Defendant is a flight risk. Although Defendant resides on a small boat, he has surrendered his passport, and in any event, he represents, and the Government does not meaningfully contest, that he "lacks the navigation skills, equipment, experience, and money to use the boat to flee beyond the United States' coastal waters." *Id.* Moreover, Defendant represents that, despite his current unemployment, he has strong community ties, and he is a veteran who lives on his VA benefits--more points the Government does not appear to challenge. *Id.* at 2-3. The Government's primary argument for continued location monitoring appears to relate to concerns about Defendant's mental health. But Defendant, consistent with his conditions of release, is receiving mental health treatment. And in the Court's view, the Government has not sufficiently connected Defendant's mental health issues to either "the safety of any other person and the community" or a risk of flight, to justify subjecting him to location monitoring, given the issues he has raised. See *United States v. Padilla*, 538 F. Supp. 3d 32, 49 (D.D.C. 2021) ("[A]bsent any specification as to how [Defendant's] 'mental health conditions' create a likelihood that he would flee, the Court does not find them very informative here."). In sum, the Court is not persuaded, after considering all the 3142(g) factors, that location monitoring is part of the set of "least restrictive" release conditions that "will reasonably assure the appearance of the person as required and the safety of any other person and the community." 18 U.S.C. 3142(c)(1)(B). Thus, it is hereby ORDERED that Defendant's [14] Corrected Motion is GRANTED. It is further ORDERED that Defendant is no longer required to submit to location monitoring as a condition of his pretrial release. All of his other conditions of release remain in place. Consistent with those conditions, Defendant's supervising probation officer may require Defendant to report to him via telephone or in person as often as the officer feels is reasonably necessary. Signed by Judge Timothy J. Kelly on 1/31/2024. (lctjk2) (Text entry; no document attached.)

01/31/2024MINUTE ORDER as to BRYAN ROGER BISHOP granting Defendant's 14 Corrected Motion to Modify Pretrial Conditions of Release. Defendant requests that the Court remove his condition of pretrial release, first ordered by a judge in another district at his initial appearance and then maintained by a magistrate judge here, that subjects him to location monitoring by requiring him to wear a GPS monitor. Defendant explains that the non-waterproof GPS monitor prevents him from performing necessary tasks, including maintaining his boat (where he resides) and spearfishing (which supplements his income). The Bail Reform Act requires the Court, after considering the factors set forth in § 3142(g), to impose the "least restrictive" release conditions that "will reasonably assure the appearance of the person as required and the safety of any other person and the community." 18 U.S.C. § 3142(c)(1)(B). For its part, the Government does not appear to directly argue that location monitoring is necessary because Defendant poses a risk to "the safety of any other person or the community." And while Defendant is charged with committing violent felony offenses on January 6, 2021, he has no criminal record and has complied with his conditions of release to date, including apparently facilitating the replacement of his malfunctioning GPS monitor. ECF 14 at 2. Nor does the Court find any specific reason to believe that Defendant is a flight risk. Although Defendant resides on a small boat, he has surrendered his passport, and in any event, he represents, and the Government does not meaningfully contest, that he "lacks the navigation skills, equipment, experience, and money to use the boat to flee beyond the United States' coastal waters." *Id.* Moreover, Defendant represents that, despite his current unemployment, he has strong community ties, and he is a veteran who lives on his VA benefits--more points the Government does not appear to challenge. *Id.* at 2-3. The Government's primary argument for continued location monitoring appears to relate to concerns about Defendant's mental health. But Defendant, consistent with his conditions of release, is receiving mental health treatment. And in the Court's view, the Government has not sufficiently connected Defendant's mental health issues to either "the safety of any other person and the community" or a risk of flight, to justify subjecting him to location monitoring, given the issues he has raised. See *United States v. Padilla*, 538 F. Supp. 3d 32, 49 (D.D.C. 2021) ("[A]bsent any specification as

to how [Defendant's] 'mental health conditions' create a likelihood that he would flee, the Court does not find them very informative here."). In sum, the Court is not persuaded, after considering all the § 3142(g) factors, that location monitoring is part of the set of "least restrictive" release conditions that "will reasonably assure the appearance of the person as required and the safety of any other person and the community." 18 U.S.C. § 3142(c)(1)(B). Thus, it is hereby ORDERED that Defendant's 14 Corrected Motion is GRANTED. It is further ORDERED that Defendant is no longer required to submit to location monitoring as a condition of his pretrial release. All of his other conditions of release remain in place. Consistent with those conditions, Defendant's supervising probation officer may require Defendant to report to him via telephone or in person as often as the officer feels is reasonably necessary. Signed by Judge Timothy J. Kelly on 1/31/2024. (lctjk2) (Text entry; no document attached.)