

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION – FELONY BRANCH**

UNITED STATES	:	Case No.: 2021-CF2-105
	:	
v.	:	Judge: Hon. Robert Okun
	:	
HENRY TARRIO	:	Next Event: Status Hearing
	:	June 8, 2021

**DEFENDANT HENRY TARRIO’S AMENDED REPLY TO
THE GOVERNMENT’S OPPOSITION TO EMERGENCY
MOTION TO MODIFY CONDITIONS OF RELEASE**

Henry Tarrío, through undersigned counsel Lucas I. Dansie, Esq. respectfully replies to the Government’s Opposition to Mr. Tarrío’s Emergency Motion to Modify Conditions of Release. In support of this Reply, Mr. Tarrío states the following.

I. The government’s cited cases do not accurately reflect the current state of the law in the District of Columbia regarding the almost total ban from the District of Columbia that Magistrate Judge Raymond imposed at presentment.

In 1984, Congress enacted the federal Bail Reform Act, which provided for “sweeping changes in both the way federal courts consider bail applications and the circumstances under which bail is granted.” *United States v. Salerno*, 481 U.S. 739,741-42 (1987). The Bail Reform Act was Congress’ “considered response to numerous perceived deficiencies in the federal bail process.” *Id.* at 742. The Act does not give a judicial officer “unbridled discretion.” *Id.* at 742-43. Rather,

Congress specified the considerations that a judge must consider. “These factors include the nature and seriousness of the charges, the substantiality of the Government’s evidence against the arrestee, the arrestee’s background and characteristics, and the nature and seriousness of the danger posed by the suspect’s release.” *Id.* In 1987, the Supreme Court held that the federal Bail Reform Act was not facially unconstitutional under the Due Process clause. *See id.* at 746-52.¹

A. The government’s heavy reliance on pre-federal Bail Reform Act cases betrays the weakness of the government’s position.

It speaks volumes that most of the federal cases that the government relies upon for the flawed proposition that “the Court was well within its discretion under the BRA to prohibit Defendant from entering the District of Columbia, except for in-person court appearances and meetings with his attorney and Pretrial Services personnel” (Opp. at 6) *pre-date* the federal Bail Reform Act and thus have no applicability to Mr. Tarrío’s case, even as persuasive authority:

1. *Brown v. Fogel*, 387 F.2d 692 (4th Cir. 1967).

For instance, *Brown v. Fogel* (Opp. at 9, 11, 13) was decided in 1967, decades *before* the federal Bail Reform Act was enacted. In *Brown*, H. Rap Brown was

¹ In 1991, the D.C. Council enacted amendments to the District’s Bail Reform Act. *See Oliver v. United States*, 682 A.2d 186, 188 (D.C. 1996). Pursuant to D.C. Code § 23-1321 as amended, “if the court determines that unconditional release will not reasonably assure the appearance of the arrestee as required, or will endanger the safety of any other person or the community,” the court may impose conditions of release to protect public safety and minimize the risk of flight. *See id.*

“[c]harged in Maryland with counseling or procuring the burning of a school building” and “was arrested in Virginia on a governor’s extradition warrant.” *Id.* at 694. After seeking and being denied pretrial release in Virginia’s state court system, Brown eventually “filed in the District Court a petition for a writ of habeas corpus for the sole purpose of procuring his release on bail.” *Id.*

At the hearing, it was represented that no corporate surety could be found which would execute another bond for Brown and that cash resources available to him had been substantially exhausted in posting a cash bond in the United States District Court for the Eastern District of Louisiana and the Southern District of New York in which he faced charges of a federal offense. The District Judge then indicated a willingness to release Brown on his own recognizance to the general custody of his attorney, William M. Kunstler, Esquire, of New York. The suggestion was readily accepted.

The court then ordered his release, on his own recognizance, into Mr. Kunstler’s custody conditioned upon his remaining in the area of the United States District Court for the Southern District of New York except for court appearances or for travel in preparing his defense of criminal charges pending against him.

There was no appeal from that order. Later, however, Brown applied for relief from the travel restriction. He sought permission to travel in response to invitations to speak at universities and colleges and in cities throughout the length and breadth of the United States and in Oxford, England. His application was denied, and he appealed.

Id. (emphasis added).

Thus, the district court judge’s decision in *Brown* (which the Fourth Circuit affirmed) was premised on H. Rap Brown’s inability to post a sufficient bond and his attorney’s agreement to act as his custodian. Of course, the District’s Bail Reform

Act (much like the federal Bail Reform Act) no longer countenances detaining a defendant merely because of his/her inability to post a sufficient bond. Thus, the law in 1967 differed markedly from the law that applies to Mr. Tarrío's case. Finally, Mr. Brown's attorney agreed to accept custody of his client. This is in stark contrast to Mr. Tarrío's case, where defense counsel not only objected to the almost total ban from the District but also suggested a less restrictive, yet functional, alternative to Magistrate Judge Raymond at presentment.

2. *United States v. Mitchell*, 246 F. Supp. 874 (D. Conn. 1965).

United States v. Mitchell, 246 F. Supp. 874 (D. Conn. 1965) (Opp. at 9, 12) dealt with a defendant who refused compulsory induction into the military via the draft. Mr. Mitchell asserted that he “must disassociate himself from the war crimes of his government; that the United States is committing crimes against peace; that United States authorities and their agents are committing war crimes and crimes against humanity; and that the United States violates treaties regarding war and self-determination.” *Id.* at 898-99.

In a noteworthy sign of the times, the district court judge made no effort to hide his disapprobation for Mr. Mitchell for asserting his anti-war beliefs while refusing to be inducted into the military:

Leaving aside the sickening spectacle of a 22 year old citizen of the United States seizing the sanctuary of a nation dedicated to freedom of speech to assert such tommyrot and leaving aside also the transparency of his motives for doing so, the decisive point is that

such political or philosophical views, even if sincerely entertained, are utterly irrelevant as a defense to the charge of willful refusal to report for induction in the armed forces of the United States and as a basis for challenging an indictment so charging.

Id. at 899.

The following bail restrictions were imposed on Mr. Mitchell:

Defendant was restricted, by the terms of the Court's order enlarging him on bail, to the Eastern District of New York (where he lived), the Southern District of New York (where his retained counsel had his office) and the District of Connecticut (where he refused to report for induction and was to be tried).

At the time of arraignment, his counsel requested that the Court "remove all bail limits, that he be permitted to travel freely, without restriction" because "defendant * * * as part of his activity * * * has been invited to speak in various states." On his motion to dismiss the indictment, he renewed this claim, stating, "the cause of the accused is national" and demanding that "this accused be allowed full liberty of movement before trial."

The relevance of such a claim to a motion to dismiss the indictment was at best doubtful. The point in any event has been ruled on in *United States v. Foster*, 278 F.2d 567, 570 (2 Cir. 1960), *cert. denied*, 364 U.S. 834 (1960), where the Court held that "The propriety of imposing territorial limitations as a condition of granting release on bail cannot be doubted, nor can the court's power in its discretion to expand the limits originally fixed."

Thus, the district court judge ordered Mr. Mitchell to remain in a fairly large area of New York and the entire state of Connecticut,² as opposed to banning him

² There is only one district in Connecticut. See https://en.wikipedia.org/wiki/United_States_District_Court_for_the_District_of_Connecticut. Thus, Mr. Mitchell could lawfully be anywhere in that state. The Eastern District of New York "comprises Long Island (including portions of New York City) and Staten Island in New York.

from entering the nation's capital. Mr. Mitchell did not proffer any reason in particular for needing or wanting to leave the area. Putting aside the question of the propriety of Congress' decision to conscribe young men to fight in Vietnam in an undeclared war, it was fairly common for draft-dodgers to flee a state or even the country during this time period.³ As such, the district court judge's decision to order Mr. Mitchell not to leave the area had at least some justification. Finally, as stated *supra*, the federal pretrial release law in 1965 differed substantially from the District's current pretrial release statute. Hence, *Mitchell* is totally inapposite and does not support the government's argument.

3. *United States v. D'Argento*, 227 F. Supp. 596 (N.D. Ill. 1964).

United States v. D'Argento, 227 F. Supp. 596 (N.D. Ill. 1964) (Opp. at 9) involved an extremely serious felony: armed bank robbery. "The charge was that D'Argento and the others, on September 23, 1963, with use of a firearm, robbed the

The court's territorial jurisdiction includes the counties of Kings (Brooklyn), Queens, Richmond (Staten Island), Nassau, and Suffolk as well as, concurrently with the Southern District of New York, the waters of New York and Bronx counties (including New York Harbor and the East River)." https://en.wikipedia.org/wiki/United_States_District_Court_for_the_Eastern_District_of_New_York. The Southern District of New York comprises Manhattan, the Bronx, and Westchester, Putnam, Rockland, Orange, Dutchess, and Sullivan counties. *See* https://en.wikipedia.org/wiki/United_States_District_Court_for_the_Southern_District_of_New_York.

³ https://en.wikipedia.org/wiki/Canada_and_the_Vietnam_War ("Estimates of the total number of American citizens who moved to Canada due to their opposition to the war range from 50,000 to 125,000. This exodus was 'the largest politically motivated migration from the United States since the United Empire Loyalists moved north to oppose the American Revolution.'").

Franklin Park Bank, Franklin Park, Illinois, of approximately \$43,097.00. The return of the Grand Jury was made before the Chief Judge of the District who set bail as to each defendant in the amount of \$50,000.00, and ordered the indictment suppressed. Four days later, D'Argento and three of the other defendants were apprehended in Chicago." *Id.* at 598.

This case took place in 1964. At that time, the federal court used cash bail for pretrial release rather than the factors that Congress set forth in 1984 when it enacted the federal Bail Reform Act. Mr. D'Argento made his \$50,000 bail and was released. The following condition was included in a bond form that the federal district court used at that time:

That the defendant is not to depart the Northern District of Illinois *
* * except in accordance with such orders * * * as may be issued by
* * * the United States District Court for the Northern District of
Illinois.

Id. Thus, the district court judge did not, as the government implies in its opposition, specifically analyze the factors in Mr. D'Argento's case and then order him not to leave the district.

After being released, Mr. D'Argento engaged in some troubling behavior, which included not only leaving the district but also doing so in a deceptive manner and engaging in criminal activity while away:

From the late hours of November 17, 1963, until the early hours of November 19, 1963, Joseph D'Argento was out of the Northern District of Illinois. He spent a day in Los Angeles, California.

Neither he nor his surety sought or obtained permission of this Court to leave the district. In arranging flights to and from Los Angeles, he used an alias. There is evidence that on at least two additional occasions subsequent to making bail in the instant case, he went to Los Angeles for a day and then returned. On each of such occasions, including November 18, he had pre-set court appearances to make in proceedings against him in the Superior Court of California for the County of Los Angeles. Allegedly, he also used these trips for other purposes. Substantial FBI investigation of his activities on November 18, resulted in his being charged, upon his return, with theft of a Chicago-Los Angeles shipment of furs.

Id. at 598.

When analyzing the government's motion for entry of a judgment of default on the declaration of forfeiture, the district court judge explained that the order to remain in the district was meant only to help ensure Mr. D'Argento's appearance in court and not to help ensure that he not commit additional crimes while on release:

The purpose of the bond as a whole was not to insure against future criminal conduct, but rather, to insure the defendant's appearance in this Court, and the purpose of the travel restriction was to minimize any expenses which might be incurred in locating him. If a purpose of the clause limiting travel was to insure against future criminal conduct, it could easily have read with more clarity to that end. More important, however, is that such a purpose would be utilizing bail for a function which, historically, it was never intended. Furthermore, to read such a purpose into that clause would be unreasonable, for the Government's interest in preventing crime would relate with equal vigor within the Northern District of Illinois as without its jurisdiction.

Id. at 602.

Thus, *D'Argento* has no applicability to Mr. Tarrío's case and simply does not stand for what the government claims. First, *D'Argento* is a pre-Bail Reform Act

case that deals with cash bail, not with pretrial release under a scheme similar to the District's Bail Reform Act. Second, *D'Argento* dealt with an armed bank robbery charge, not with the possession of unloaded magazines and misdemeanor destruction of property. Third, the travel order in *D'Argento* was to remain in the district to reduce the risk of flight, not to prevent crime. Fourth, the travel order did not bar an American citizen from visiting his nation's capital, where he would have a legitimate and protected interest in traveling to protest and organize. Fifth, the travel restriction in *D'Argento* was not well-reasoned but rather perfunctorily included in a form. Thus, the case does not offer this Court any reasoning or analysis that would assist it in deciding Mr. Tarrío's motion.

4. *United States v. Cook*, 428 F.2d 460 (5th Cir. 1970).

The Fifth Circuit's *per curiam* decision in *United States v. Cook*, 428 F.2d 460 (5th Cir. 1970) (Opp. at 9, 12) consists of one page, contains very little reasoning, and is yet another pre-federal Bail Reform Act case that the government cites in its opposition. In that case, Mr. Cook was released on a cash bond in 1969 after being charged with five counts of willfully failing to file tax a return. He was prohibited from leaving the Southern District of Florida or the Middle District of Florida for any reason whatsoever "without the specific written permission" from the Jacksonville Division of the United States District Court for the Middle District of Florida.

Thus, *Cook* involved an order to remain within or close to the jurisdiction where a fairly serious federal case was pending, rather than an order to not enter the jurisdiction where the case was pending. Mr. Cook argued that this restriction deprived him of a livelihood. Yet the *Cook* court did not note that he made any specific proffers regarding his need to leave these districts for work purposes. It is also noteworthy that Mr. Cook was alleged to have failed to file tax returns for five years, thus raising the specter that he willfully opted out of his lawful duty to file tax returns during a lengthy period of time. This may have given the district court judge pause about giving Mr. Cook *carte blanche* to leave the jurisdiction while his case was pending.

Nonetheless, the district court judge's order, by its own terms, contemplated Mr. Cook leaving if and when he gave notice to the district court and obtained approval. This is markedly different from the current case, where Mr. Tarrío is barred from reentering the District during the pendency of this case unless he returns for specific reasons related to this case. Finally, *Cook* relies upon *Brown v. Fogel*. For the reasons explained *supra*, the legal scheme that governed the *Brown* court's decision differs greatly from the District's pretrial law and is therefore not applicable to Mr. Tarrío's case.

B. The other cases that the government cites do not support its position.

The government dedicates the majority of its opposition citing and discussing cases that have no little or no bearing on Mr. Tarrío's motion to modify his conditions of release. To be clear: Mr. Tarrío does not dispute that a trial court has the authority to impose conditions of release when necessary under the Bail Reform Act. Rather, the defense asserts that: (1) the almost total ban of Mr. Tarrío from the District in this case is not supported by the Bail Reform Act; and (2) in Mr. Tarrío's specific case, the almost total ban from the District violates his constitutional rights.

1. *Oliver v. United States*, 682 A.2d 186 (D.C. 1996).

Thus, the government's heavy reliance on *Oliver v. United States*, 682 A.2d 186 (D.C. 1996) (Opp. at 4, 5, 7, 10, 12) is misplaced. The *Oliver* court simply held that, despite the absence of a specific Bail Reform Act provision providing for pretrial drug testing, a trial judge could nonetheless order drug testing, since the Bail Reform Act allowed a trial judge to prohibit the pretrial use of controlled substances. *See id.* at 189 ("If a court may order abstention from illegal drug use, *id.*, and may punish a violation of its order by invoking the contempt power, *see* D.C. Code § 11-944 (1995 Repl.); Super. Ct. Crim. R. 42 (1996), it must necessarily have the authority to test compliance with that order through drug testing.").

Furthermore, the *Oliver* court entertained and discussed the defendant's Fourth Amendment challenge to pretrial drug testing. Rather than merely giving an

unquestioning imprimatur to the trial judge's condition of release that Mr. Oliver submit to drug testing, the *Oliver* court thoroughly analyzed Mr. Oliver's constitutional claim:

The very crimes with which Oliver was charged included unlawful possession of drugs, and he had three prior drug convictions in the District. In addition, Oliver admitted to the trial court that he had a drug problem, and his counsel asked the court to release Oliver to enable him to "work on his drug problem." See *In re Wiggins*, 359 A.2d 579 (D.C. 1976) (defendant who conceded in open court that he had knowingly violated two conditions of his release on personal recognizance, in effect confessed to contemptuous conduct). For all of these reasons, we are in essential agreement with the analysis in *York*, and conclude that the drug testing condition was reasonable under the circumstances. Therefore, Oliver's contention that the drug test requirement violated his rights under the Fourth Amendment must fail

Id. at 192-93 (citation omitted). Thus, far from supporting the government's argument, *Oliver* actually undercuts its position that pretrial conditions of release are "generally justified and constitutionally sound," (Opp. at 10), as the *Oliver* court underwent an exacting review of Mr. Oliver's constitutional claim.

2. *Pope v. United States*, 739 A.2d 819 (D.C. 1999).

The government also cites *Pope v. United States*, 739 A.2d 819 (D.C. 1999) for the proposition that "'review of a preventive detention order is limited'; an appellate 'court will not substitute its assessment . . . for the trial judge's determination of that essentially factual issue, and . . . will therefore sustain the judge's decision so long as it is supported by the proceedings below.'" Opp. at 5.

But the government's selected quotation is out of context. The *Pope* court actually applied a *de novo* standard to the trial judge's bond decision and *reversed* the trial judge, explaining:

In general, our review of a preventive detention order is limited. This court will not substitute its assessment of a defendant's dangerousness for the trial judge's determination of that essentially factual issue, and we will therefore sustain the judge's decision so long as it "is supported by the proceedings below." *Scott v. United States*, 633 A.2d 72, 73 (D.C. 1993) (quoting D.C. Code § 23-1324(b)).

In the present case, however, only a single witness testified, and the facts of record, though second-hand, are essentially undisputed. The dispositive question before us is very similar to the one reserved in *Lynch*, namely, whether, in an AWIKWA case, a preventive detention order based on § 23-1325(a) may rest solely on a probable cause finding plus the circumstances of the charged crime.

This question is principally one of law, and we review de novo the trial judge's disposition of it. See, e.g., *Tyler*, supra note 12, 705 A.2d at 278. Because preventive detention implicates basic constitutional liberties, especially careful review by this court is warranted. Cf. *Griffin v. United States*, 618 A.2d 114, 118 (D.C. 1992) (citations omitted).

Pope, 739 A.2d at 824-25 (emphasis added).

In the present case, Magistrate Judge Raymond did not receive *any* testimony at the presentment. In fact, she never even found, on the record, that there was probable cause for either the felony or the misdemeanor charges. In *Pope*, the trial judge presided over a preliminary hearing and heard testimony from one witness. Even then, the *Pope* court applied a *de novo* standard when reviewing the trial

judge's decision. In Mr. Tarrío's case, there was no preliminary hearing and no testimony was received at his presentment. Thus, the legal foundation upon which deference to a fact-finder is based (*i.e.*, the fact-finder's ability to assess the credibility of witnesses in open court)⁴ does not exist at all in Mr. Tarrío's case. Moreover, that this Court should apply a *de novo* standard is buttressed by federal decisions that hold the same. *See, e.g., United States v. Koenig*, 912 F.2d 1190, 1193 (9th Cir. 1990); *United States v. Bikundi*, 73 F. Supp. 3d 51, 52 (D.D.C. 2014); *United States v. Overstreet*, 2011 WL 5079848, at *1 (D. Idaho Oct. 26, 2011).

3. *United States v. Traitz*, 807 F.2d 322 (3rd Cir. 1986).

In *United States v. Traitz*, 807 F.2d 322 (3rd Cir. 1986) (Opp. at 7), the defendant was charged with serious federal charges, including racketeering and wire fraud. *See id.* at 323. At the detention hearing, the government requested that the defendant be detained. *See id.* The magistrate agreed and detained Mr. Traitz based on dangerousness concerns. *See id.* Mr. Traitz appealed to the district court judge.

⁴ *See, e.g., Morris v. United States*, 554 A.2d 784, 788 (D.C. 1989) (“Given its greater opportunity to assess the demeanor, reliability and credibility of the witness, the trial court is accorded considerable deference in its finding of a substantial independent basis for an in-court identification.”); *Derrington v. United States*, 488 A.2d 1314, 130 (D.C. 1985) (“The need for a hearing on a § 23-110 motion is diminished where a witness seeks to recant earlier testimony and the trial court has had the opportunity to observe the witness’ demeanor and weigh the credibility of the witness at trial.”).

The district court judge reversed the magistrate.⁵ In releasing Mr. Traitz, the district court judge imposed a number of conditions of release. *See id.* at 323-24. The government (and not the defendant) appealed the decision to release Mr. Traitz. Thus, it appears that Mr. Traitz acquiesced to the district court judge's house arrest condition. The Third Circuit affirmed the district court judge's decision to release Mr. Traitz. As such, *Traitz* does not help the government's argument in any respect.

4. *Rendel v. Mummert*, 474 P.2d 824 (Ariz. 1970).

Rendel v. Mummert, 474 P.2d 824 (Ariz. 1970) (Opp. at 8) is emblematic of the cases that the government cites: after reviewing the applicable legal framework, facts, and holding, it is evident that the case simply does not support the government's argument. *Rendel* dealt with Arizona's cash bail scheme and not the Bail Reform Act. *See id.* at 825-26. Mr. Rendel had initially been released on bond after being charged with preventing the attendance of a witness, a felony. *See id.* Mr. Rendel allegedly tried to prevent a witness' attendance while he was free on bond for four other felony charges. *See id.*

Thereafter, the State applied for the revocation of Mr. Rendel's bond for the four prior charges because reasonable grounds existed to justify the belief that he

⁵ The *Traitz* court understandably does not discuss any supposed deference that the district court judge owed to the magistrate judge because, as explained *supra*, it is settled that the district court judge's review of a magistrate's pretrial bond decision is *de novo*.

committed the felony of preventing the attendance of a witness while released on such bond. *See id.* At the hearing, the trial judge denied the application for revocation of the bond but set as a condition to continuance of liberty on such bond the requirement that Mr. Rendel “conduct himself at all times as a law-abiding citizen.” Later, the State charged Rendel with three counts of possessing stolen motor vehicles and then with rape in two different and new incidents. *See id.* at 825-26. These subsequent crimes occurred *after* the judge had imposed the condition on Mr. Rendel’s bond that he conduct himself as a law-abiding citizen.

Again, the State applied for revocation of Mr. Rendel’s prior bond. Following a hearing before a second trial judge (Judge Roylston), his bond was revoked pursuant to A.R.S. § 13-1577. *See id.* at 826. Judge Roylston ruled that the condition set by the first judge (Judge Hardy) was invalid because it did not conform to a particular provision of Arizona’s bond statute. *See id.* However, Judge Roylston further ruled that it was not necessary to impose the condition that Mr. Rendel’s release was conditioned upon his good behavior because such condition was imposed as a matter of law. *See id.* Mr. Rendel appealed and the Arizona Supreme Court affirmed.

It is noteworthy that the quotation relied upon by the government in its opposition that: “[a] condition or release limiting the movements of the defendant to a specified jurisdiction or area is not at all unusual, and has been approved by the

courts,” was stated in pure *dicta*, as it was not necessary, in any way, for the Arizona Supreme Court’s decision. In any case, Mr. Rendel had been re-arrested numerous times after being released on bond for a case that occurred while he was already on release. The District’s Bail Reform Act would easily permit the government to detain a defendant in a similar position. Thus, the holding in *Rendel* adds nothing to the equation in Mr. Tarrío’s case. Furthermore, the District’s Bail Reform Act obliges a judicial officer to order that a released defendant not commit crimes while on release.⁶ As such, Mr. Tarrío takes absolutely no issue with such an order.

5. *In re A.H.*, 459 A.2d 1045 (D.C. 1983).

The government also cites *In re A.H.*, 459 A.2d 1045 (D.C. 1983), stating that it relies upon *Brown v. Fogel*, 387 F.2d 692 (4th Cir. 1967) with approval. While this is technically accurate, *A.H.* has no relevance to Mr. Tarrío’s matter. *A.H.* concerned a juvenile who was released to his parent’s custody and did not deal with an adult criminal matter. *A.H.* also lacks any legal analysis upon which this Court could rely and is extremely brief. Most strikingly, the case reflects the long-standing (and lawful) practice in the D.C. Superior Court of judicial officers imposing stay-

⁶ D.C. Code § 23–1321(c)(1) (“If the judicial officer determines that the release described in subsection (b) of this section will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, the judicial officer shall order the pretrial release of the person subject to the: (A) Condition that the person not commit a local, state, or federal crime during the period of release. . . .”) (emphasis added).

away orders from specific and limited geographical areas as *opposed to* from the entire District of Columbia. *A.H.*, in its entirety, is set forth below:

PER CURIAM.

This appeal, taken pursuant to D.C. Code § 16-2328 (1981), came on for consideration on the pleadings of the respective parties and was argued by counsel. *The appeal is from an order releasing the child into the custody of a parent plus a condition, imposed to protect the child's best interests, that he stay away from the Islamic Center at 2500 Massachusetts Avenue, N.W. (where he was arrested in connection with recent incidents of violence).*

Appellant's contention is that the stay-away order violates the First Amendment to the Constitution of the United States. On consideration of the foregoing, it is ORDERED and ADJUDGED that the order on review be, and hereby is, affirmed. *See Brown v. Fogel*, 387 F.2d 692, 696 (4th Cir. 1967).

Id. (emphasis added).

II. This Court owes no deference to Magistrate Judge Raymond's almost total ban on Mr. Tarrío entering the District because: (1) a magistrate's decision on a defendant's conditions of release is subject to *de novo* review by the calendar Associate Judge; and (2) in any event, conditions of release decisions are generally subject to *de novo* review.

D.C. Superior Court Criminal Rule 117(b)(1) states that:

(b) Pretrial proceedings.

(1) Determining pretrial release or detention. A person accused of committing a criminal offense in the District of Columbia may be brought before a magistrate judge. The magistrate judge shall determine conditions of release and pretrial detention pursuant to these rules and Title 23 of the District of Columbia Code. *Review of the magistrate judge's determination of conditions of release may be made sua sponte and shall be made, upon motion, by the judge to whom the case is assigned.* Where the case has not been assigned to

a judge at the time the motion is filed, review shall be made by a judge to whom the case is assigned for purposes of review.

(emphasis added). Further, the Rules mandate that any adverse ruling by a Magistrate Judge on conditions of release be reviewed by an Associate Judge before a defendant can note an appeal to the D.C. Court of Appeals:

An appeal to the District of Columbia Court of Appeals may be made only after a judge of the Superior Court has reviewed the magistrate judge's judgment or order pursuant to paragraph (g) of this Rule.

D.C. Superior Court Criminal Rule 117(g)(1)(5). Thus, both the Rules and the case law strongly supports that this Court's review of Magistrate Judge Raymond's conditions of release decision should be *de novo*. See *Pope*, 739 A.2d at 824-25; *Koenig*, 912 F.2d at 1193; *Bikundi*, 73 F. Supp. 3d at 52; *Overstreet*, 2011 WL 5079848, at *1.

Furthermore, even *if* the Magistrate's decision were made by an Associate Judge and was therefore directly appealable to the D.C. Court of Appeals, the decision would *still* be reviewable *de novo* because it primarily concerns the interpretation of the law rather than a factual finding based on evidence that was taken before a fact-finder during an adversarial hearing. See, e.g., *Aboye v. United States*, 121 A.3d 1245, 1249 (D.C. 2015); *Sutton v. United States*, 988 A.2d 478, 482 (D.C. 2010); *Holloway v. United States*, 951 A.2d 59, 60 (D.C. 2008); *Pope*, 739 at 825.

III. The government’s request that Mr. Tarrío be almost totally banned from the District pending the outcome of this case constitutes both selective and vindictive prosecution, as it is evident that because of Mr. Tarrío’s political views and activism, the government is treating him more harshly than it treats defendants on the other side of the political spectrum who are accused of similar or more serious crimes.

To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort. *See Bordenkircher v. Hayes*, 434 U.S. 357, 363 (1978). Although a prosecutor has broad discretion in his or her charging decisions, a prosecutor may not prosecute with a vindictive motive, since penalizing those who choose to exercise constitutional rights would be patently unconstitutional. *See North Carolina v. Pearce*, 395 U.S. 711, 724 (1969). Because the prohibition on vindictive prosecutions is intended not only to prevent against prosecutions actually motivated by prosecutorial animus, but also to prevent the chilling of the exercise of constitutional rights by defendants, no evidence of actual bad faith is necessary to establish the claim. *See Blackledge v. Perry*, 417 U.S. 21, 28 (1974).

“Improper motivation is a selection deliberately based on ‘an unjustifiable standard, such as race, religion, or other arbitrary classification,’” *United States v. Armstrong*, 517 U.S. 456, 464 (1996) (quoting *Oyler v. Boyles*, 368 U.S. 448, 456 (1962)), “including the exercise of protected statutory and constitutional rights. . . .” *Federov v. United States*, 600 A.2d 370, 377-79 (D.C. 1991) (*en banc*) (emphasis added) (discussing, in detail, the requirements for a showing of selective

prosecution, including the showing necessary to obtain discovery and an evidentiary hearing).

Vindictiveness is any “situation in which the government acts against a defendant in response to the defendant’s prior exercise of constitutional or statutory rights.” *United States v. Meyer*, 810 F.2d 1242, 1245 (D.C. Cir. 1987). This encompasses a variety of different situations, including, but not limited to, the institution or reinstatement of a prosecution and the filing of additional charges after a defendant has asserted certain rights or taken certain actions in connection with a case. *See United States v. Schiller*, 424 A.2d 51, 56-57 (D.C. 1980); *Meyer*, 810 F.2d at 1245-48.

The assertion of rights prior to an apparently vindictive action by the prosecution includes rights protected by First Amendment and the Equal Protection Clause. *See Dixon v. District of Columbia*, 394 F.2d 966, 970 (D.C. Cir. 1968)⁷; *United States v. P.H.E., Inc.*, 965 F.2d 848, 849 (10th Cir. 1992) (reversing district court’s ruling and holding, after a detailed analysis of the record, that “appellants have already satisfied their burden of showing that the indictment is the tainted fruit

⁷ The D.C. Court of Appeals has acknowledged that decisions of the District of Columbia Circuit rendered prior to February 1971, as well as the decisions as well as subsequent opinions by the District of Columbia Court of Appeals, “constitute the case law of the District of Columbia.” *M.A.P. v. Ryan*, 285 A.2d 310, 312 (D.C. 1971). As such, *Dixon* is binding on this Court.

of a prosecutorial attempt to curtail PHE’s future First Amendment protected speech” and have “satisfied that they have met their burden of showing ‘either (1) actual vindictiveness, or (2) a realistic likelihood of vindictiveness which will give rise to a presumption of vindictiveness.’ On remand the burden now shifts to the government ‘to justify its decision with legitimate, articulable, objective reasons.’”).

In *Dixon*, the D.C. Court of Appeals held that the prosecution of Dixon was barred where the government filed charges because the defendant filed a misconduct complaint against the police officers involved. The *Dixon* court explained:

Of course prosecutors have broad discretion to press or drop charges. But there are limits. If, for example, the Government had legitimately determined not to prosecute appellant and had then reversed its position solely because he filed a complaint, this would clearly violate the first amendment. The Government may not prosecute for the purpose of deterring people from exercising their right to protest official misconduct and petition for redress of grievances. Moreover, a prosecution under such circumstances would be barred by the equal protection clause, since the Government employs an impermissible classification when it punishes those who complain against police misconduct and excuses those who do not.

Id. at 968 (emphasis added).

Almost exactly four years ago, on January 20, 2017, former President Donald John Trump was being inaugurated as the United States of America’s 45th president. Antifa appeared *en mass* to protest the inauguration. Some antifa members committed serious crimes, including smashing windows of stores and businesses

(including a Starbucks) that had absolutely no link to Donald Trump or the inauguration and damaging other property.⁸



Scores of demonstrators charged with rioting in the District on Friday were well organized, ready to confront police and prepared to violently disrupt the inauguration, according to some of the protesters and organizers.

Details of the disturbances in a four-square-block area downtown that led to more than 230 arrests began emerging after protesters made their first court appearances Saturday, a process that continued through the evening as defendants were brought into D.C. Superior Court in batches of 10. . .

⁸ https://www.washingtonpost.com/local/public-safety/protesters-who-destroyed-property-on-inauguration-day-part-of-well-organized-group/2017/01/21/096678c8-dfeb-11e6-ad42-f3375f271c9c_story.html.

The preparation undertaken by protesters included arriving armed with hammers and crowbars, police said in court filings that also said officers moved in to make arrests after windows were broken on storefronts and a city emergency vehicle, and a parked limousine was set on fire shortly before President Trump's swearing-in ceremony.

The limousine set ablaze on K Street near 13th Street NW was attacked as an “explicit demonstration of our increasingly corporate state, which Trump’s presidency epitomizes,” said Tom Faison, 22, a District resident who works in film production and was part of the protests. He was not arrested but was outside court waiting for a friend who had been charged.

Of those facing rioting charges, 70 were from the District, Maryland or Virginia, according to addresses they provided after their arrest, with the remainder from 24 other states, including large groups from New York and Pennsylvania.

Faison said attacks were done with “nuance and intention,” while conceding that some may view the violence as undermining their cause. He said that what appeared chaotic was purposeful in its symbolism and that vandalism at a Starbucks shop and a Bank of America branch were executed as attacks on capitalism and corporate greed.

“That’s what we’re making a strong stand against. I think that all of Washington, D.C., feels that way, even if they wouldn’t express it in something that results in a limo getting burned,” said Lacy MacAuley of the District. MacAuley is the spokeswoman for DisruptJ20, a collection of anti-capitalist, antifascist and progressive groups rooted in the District and elsewhere that organized the protest.

“It may have been something we haven’t seen in a while in Washington, but there have been many times in our history where people have risen up and expressed that kind of rage, that kind of hatred directed toward fascism, toward authoritarianism,” MacAuley said.

And there wasn't enough violence to suit Tom Massey, 32, of Philadelphia.

"I think there should have been more violence yesterday," said Massey, who was among those arrested. Asked if he participated in the violence, Massey replied, "There were some rocks thrown." He said that he hopes next time, demonstrations will be "more successful. I'll get to punch a Nazi. I didn't get to do that yesterday. The police stopped me."⁹



These antifa defendants, many of whom faced felony charges, were released on their own recognizance and were not ordered to stay-away from the District of

⁹ *Id.* (emphasis added).

Columbia while their cases were pending. Rather, the defendants were generally ordered not to be rearrested and to verify their addresses.¹⁰ The District of Columbia has a lot of Starbucks locations.¹¹ Thus, according to Magistrate Judge Raymond's justification to almost totally ban Mr. Tarrío from the District, these antifa defendants (many of whom lived outside of the District) should have been barred from the District, too. But they were not.

Thus, undersigned counsel invites the government to explain, at a hearing before the Court, what reasonable and credible justification it can offer for barring¹² from the District of Columbia a person who is accused of a possessory felony offense (that does not even involve possession of bullets or a gun) and misdemeanor destruction of a *Black Lives Matter* flag. Furthermore, undersigned counsel has witnessed hundreds of arraignments/presentments on a variety of charges and cannot recall even one time that the government requested and was granted such a ban from the District of Columbia.

This ban is especially harsh in Mr. Tarrío's case, as: (1) he is an activist who needs to be in the District from time to time to organize and to protest; (2) many American citizens are concerned about the policies of the Biden administration and

¹⁰ See, e.g., Exhibits 1-3.

¹¹ <https://www.starbucks.com/store-locator?map=38.914211,77.041469,13z&place=Washington,%20DC%2020009,%20USA>.

¹² Except for very limited exceptions dealing with his pending criminal cases.

thus have a right to redress by appearing at protests in the District; and (3) trials are extremely delayed due to the COVID-19 pandemic, meaning that the “temporary” ban from the District will likely, in effect, result in a long-term ban if this Court does not modify it.

CONCLUSION

For the foregoing reasons, this Court should grant Defendant’s instant Motion.

Respectfully Submitted,

/s/ Lucas I. Dansie

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Washington, DC 20001
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lucas@dansielaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served, via CaseFileXpress, on the United States Attorney’s Office on this 26th day of January 2021.

/s/ Lucas I. Dansie

Lucas I. Dansie, Esq.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION – FELONY BRANCH**

UNITED STATES	:	Case No.: 2021-CF2-105
	:	
v.	:	Judge: Hon. Robert Okun
	:	
HENRY TARRIO	:	Next Event: Status Hearing
	:	June 8, 2021

ORDER

Having considered Defendant Henry Tarrío’s Emergency Motion to Modify Conditions of Release, the Motion is this ____ day of _____ 2021, hereby **GRANTED**.

Honorable Robert Okun
D.C. Superior Court
Associate Judge

Lucas I. Dansie, Esq. (counsel for Mr. Tarrío)
Email: lucas@dansielaw.com

Mr. Paul Courtney, Esq. (Assistant United States Attorney)
Email: paul.courtney@usdoj.gov

Parties served electronically via CaseFileXpress

2017 CF2 001241 United States Vs. MCGOWAN-ARNOLD, LUKE REM

Case Type:
Felony II

Case Status:
Closed

File Date:
01/21/2017

Action:
Riot Act -Felony

Status Date:
01/21/2017

Next Event:

All Information Party Event Docket Disposition

Party Information

MCGOWAN-ARNOLD, LUKE
- Defendant (Criminal)

- Disposition

Alias

- Disp Date

Party Attorney

- Attorney
- DOWNS, JASON
- Attorney
- FOWLER, JOHN R

Events

Date/Time	Location	Type	Result	Event Judge
01/21/2017 01:00 PM	Courtroom C-10	Presentment	Hearing Held	
03/16/2017 11:00 AM	Courtroom 215	Felony Arraignment	Defn Arraigned Plead Not Guilty Jury Demand Made	
03/16/2017 11:00 AM	Courtroom 301	Preliminary Hearing	Hearing Vacated	
04/28/2017 03:30 PM	Courtroom 215	Status Hearing	Hearing Vacated	
06/09/2017 03:30 PM	Courtroom 215	Status Hearing	Hearing Vacated	
06/09/2017 03:30 PM	Courtroom 201	Felony Arraignment	Defn Arraigned Plead Not Guilty Jury Demand Made	
07/27/2017 11:00 AM	Courtroom 201	Motion Hearing	Hearing Held	
09/15/2017 11:30 AM	Courtroom 215	Status Hearing	Hearing Held	
02/23/2018 02:00 PM	Courtroom 315	Motion Hearing	Hearing Vacated	
06/15/2018 10:00 AM	Courtroom 315	Trial Readiness Hearing	Hearing Vacated	
06/15/2018 10:00 AM	Courtroom 315	Trial Readiness Hearing	Hearing Vacated	
06/18/2018 09:30 AM	Courtroom 315	Jury Trial	Hearing Vacated	
06/25/2018 09:30 AM	Courtroom 315	Jury Trial	Dismissed - Nolle	
06/25/2018 09:30 AM	Courtroom 315	Jury Trial	Hearing Vacated	

Docket Information

Date	Docket Text	Image Avail.
01/21/2017	Charge Filed Charge #1: Riot Act -Felony Charge 1: Riot Act -Felony	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
01/21/2017	Charge Filed Charge 1: Riot Act -Felony	Image
01/21/2017	Gerstein Affidavit Filed	Image
01/21/2017	Event Scheduled Event: Presentment Date: 01/21/2017 Time: 1:00 pm Judge: BRANDT, RAINEY Location: Courtroom C-10	
01/21/2017	Attorney Appointed/PDS Attorney FOWLER, JOHN R representing Defendant (Criminal) MCGOWAN-ARNOLD, LUKE as of 01/21/2017 LUKE MCGOWAN-ARNOLD (Defendant (Criminal)); JOHN R FOWLER (Attorney) on behalf of LUKE MCGOWAN-ARNOLD (Defendant (Criminal)); Judge LYNN LEIBOVITZ on behalf of Judge THOMAS J MOTLEY	Image
01/21/2017	CJA Eligibility	Image
01/21/2017	Event Scheduled Event: Preliminary Hearing Date: 03/16/2017 Time: 11:00 am Judge: PRELIMINARY HEARING JUDGE Location: Courtroom 301	
01/21/2017	Event Resulted - Release Status: PR PSA The following event: Presentment scheduled for 01/21/2017 at 1:00 pm has been resulted as follows: Result: Hearing Held Judge: LEIBOVITZ, LYNN Location: Courtroom C-10 LUKE MCGOWAN-ARNOLD (Defendant (Criminal)); Judge LYNN LEIBOVITZ on behalf of Judge THOMAS J MOTLEY	
01/21/2017	Release Conditions	Image
01/21/2017	Release Conditions Ordered Party Name: MCGOWAN-ARNOLD, LUKE Party Type: Defendant (Criminal) 1) Other conditions:: PR PSA BOND, Entry Date: 01/21/2017, Completion Date: , Amended Date: DO NOT GET ARRESTED IN WASHINGTON D.C. LUKE MCGOWAN-ARNOLD (Defendant (Criminal)); JOHN R FOWLER (Attorney) on behalf of LUKE MCGOWAN-ARNOLD (Defendant (Criminal)); Judge LYNN LEIBOVITZ on behalf of Judge THOMAS J MOTLEY	
01/21/2017	Initial Discovery Request Filed	Image
01/25/2017	Motion to Dismiss For Conflict of Interest, or In The Alternative, To Disqualify The Defendant of Justice and to Appoint A Special Prosecutor Attorney: FOWLER, JOHN R (1017595)	Image
01/25/2017	Motion for Hearing Regarding Any Government Request for Search Warrant Filed Attorney: FOWLER, JOHN R (1017595)	Image
02/08/2017	Case Transferred to Another Judge The judge was changed from MOTLEY, THOMAS J to LEIBOVITZ, LYNN	
02/08/2017	Indictment Filed---1 COUNT. Attorney: PHILLIPS, CHANNING D (415793)	Image
02/08/2017	Charge Filed Charge #1: Riot Act -Felony	
02/10/2017	Event Resulted - Release Status: The following event: Preliminary Hearing scheduled for 03/16/2017 at 11:00 am has been resulted as follows: Result: Hearing Vacated Judge: PRELIMINARY HEARING JUDGE Location: Courtroom 301	
02/10/2017	Event Scheduled The following event: Preliminary Hearing scheduled for 03/16/2017 at 11:00 am has been rescheduled as follows: Event: Felony Arraignment Date: 03/16/2017 Time: 11:00 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
02/15/2017	Order Entered on the Docket	Image
02/21/2017	Charge Filed Charge #1: Riot Act -Felony	
03/03/2017	Attorney Retained Attorney DOWNS, JASON representing Defendant (Criminal) MCGOWAN-ARNOLD, LUKE as of 03/03/2017	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
03/03/2017	Notice of Filing Appearance of Counsel Attorney: DOWNS, JASON (979476)	Image
03/16/2017	Release Conditions	Image
03/16/2017	Release Conditions Ordered Party Name: MCGOWAN-ARNOLD, LUKE Party Type: Defendant (Criminal) 1) Verify Address: BOND, Entry Date: 03/16/2017, Completion Date: , Amended Date: immediately 2) Other conditions:: BOND, Entry Date: 01/21/2017, Completion Date: , Amended Date: DO NOT GET ARRESTED IN WASHINGTON D.C.	
03/16/2017	Event Scheduled Event: Status Hearing Date: 04/28/2017 Time: 3:30 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
03/16/2017	Event Resulted - Release Status: PR PSA. Defendant arraigned and pled not guilty. Status hearing scheduled. AUSAs Kerkhoff and Borchard appeared on behalf of the Government. The following event: Felony Arraignment scheduled for 03/16/2017 at 11:00 am has been resulted as follows: Result: Defn Arraigned Plead Not Guilty Jury Demand Made Judge: LEIBOVITZ, LYNN Location: Courtroom 215 LUKE MCGOWAN-ARNOLD (Defendant (Criminal)); ; JASON DOWNS (Attorney) on behalf of LUKE MCGOWAN-ARNOLD (Defendant (Criminal)); Judge LYNN LEIBOVITZ	
03/23/2017	Government's Omnibus Proposal for Grouping Cases Attorney: PHILLIPS, CHANNING D (415793)	Image
03/23/2017	Motion for Protective Order Attorney: PHILLIPS, CHANNING D (415793)	Image
03/24/2017	GOVERNMENT'S OMNIBUS OPPOSITION TO DEFENDANTS' MOTION TO DISMISS OR TO DISQUALIFY THE DEPARTMENT OF JUSTICE Attorney: PHILLIPS, CHANNING D (415793)	Image
03/28/2017	Order Entered on the Docket	Image
03/30/2017	Co-Defendants' Unopposed Motion for an Extension of Time to Respond to the Government's Motion for a Protective Order. Attorney: GOLDSTONE, Mr MARK L (394135)	Image
03/31/2017	Order granting motion for extension, Entered on the Docket, signed 3/31/17, /s/jg 3/31/17. emailed to G and D.	Image
04/03/2017	Order Extending Time to Respond to Government's Motion for a Protective Order Entered on the Docket	Image
04/11/2017	Event Resulted - Release Status: The following event: Status Hearing scheduled for 04/28/2017 at 3:30 pm has been resulted as follows: Result: Hearing Vacated Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
04/11/2017	Event Scheduled The following event: Status Hearing scheduled for 04/28/2017 at 3:30 pm has been rescheduled as follows: Event: Status Hearing Date: 06/09/2017 Time: 3:30 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
04/27/2017	Charge Filed Charge #1: Riot Act -Felony	
04/27/2017	Charge Filed Charge #2: Riot Act -Felony	
04/27/2017	Charge Filed Charge #3: Conspiracy	
04/27/2017	Charge Filed Charge #4: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #5: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #6: Destruction of Property \$1000 or More	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
04/27/2017	Charge Filed Charge #7: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #8: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #9: Assault On A Police Officer	
04/27/2017	Event Resulted - Release Status: The following event: Status Hearing scheduled for 06/09/2017 at 3:30 pm has been resulted as follows: Result: Hearing Vacated Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
04/27/2017	Event Scheduled Event: Felony Arraignment Date: 06/09/2017 Time: 3:30 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
05/01/2017	Email Correspondence Filed	Image
05/18/2017	Order denying defendants motions for dismissal and/or disqualification of the US DOJ and the Office of the US Attorney for the District of Columbia, Entered on the Docket, signed 5/18/17, /s/jg 5/18/17. Emailed to G and D.	Image
06/09/2017	Notice to Return to Court Filed Notice to Return to Court Sent on: 06/09/2017 16:54:03.71	Image
06/09/2017	Event Scheduled Event: Status Hearing Date: 09/15/2017 Time: 11:30 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
06/09/2017	Event Resulted - Release Status: PR PSA. Defendant arraigned and pled not guilty. Speedy trial rights asserted and requested discovery. The Court made representations that the Government has been ordered to turn over cell phone data from the defendant's personal cell phone by July 28, 2017. A status hearing was scheduled to address cell phone data and privacy issues. Motions and trial date scheduled. Motions and evidence of other crimes due December 15, 2017. Oppositions due January 26, 2018. AUSAs Jennifer Kerkhoff and John Borcherdt appeared on behalf of the Government. Attorney John Harnishfegur stood in. Court Reporter: Deborah Armstrong The following event: Felony Arraignment scheduled for 06/09/2017 at 3:30 pm has been resulted as follows: Result: Defn Arraigned Plead Not Guilty Jury Demand Made Judge: LEIBOVITZ, LYNN Location: Courtroom 201 LUKE MCGOWAN-ARNOLD (Defendant (Criminal)); ; Judge LYNN LEIBOVITZ	
06/09/2017	Event Scheduled Event: Motion Hearing Date: 02/23/2018 Time: 2:00 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
06/09/2017	Event Scheduled Event: Jury Trial Date: 06/18/2018 Time: 9:30 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
06/29/2017	Defendant McGowan-Arnold's Motion to Adopt Motions Filed Attorney: DOWNS, JASON (979476)	Image
07/17/2017	Government's Omnibus Opposition to the Motions to Dismiss the Indictment and Motions to Compel Grand Jury Information Filed Attorney: PHILLIPS, CHANNING D (415793)	Image
07/20/2017	Scheduling Order Entered on the Docket, signed 7/19/17, /s/jg 7/20/19. eServed on G and D.	Image
07/26/2017	Event Scheduled Event: Motion Hearing Date: 07/27/2017 Time: 11:00 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
07/27/2017	<p>Event Resulted - Release Status: PR PSA. Motions hearing was held. Defendant was not required to be present. Defense motion to dismiss indictment and Defense motion to compel governments instruction to grand jury was argued and will be taken under advisement. Count 11 of the indictment was dismissed by the government. If parties would like to order a transcript of todays hearing it can be found under the title (In the Matter of Gabriel Mielke et al 2017 CF2 1149) in court smart. Case continued to determine how to proceed.</p> <p>The following attorneys presented argument in today,s proceeding: Kristin Robinson, Anna Scallion, Noah Clements, Sean Murphy, Veronice Holt, Rachelle Cotton, Andrew English, Benjamin Krohmal, Julia Sheketoff, Philip Andonian and Joshua Shiffirin.</p> <p>AUSA Jennifer Kerkhoff and John Borchert were present for the government. The following event: Motion Hearing scheduled for 07/27/2017 at 11:00 am has been resulted as follows:</p> <p>Result: Hearing Held Judge: LEIBOVITZ, LYNN Location: Courtroom 201 Participant(s): Judge LYNN LEIBOVITZ</p>	
07/28/2017	Protective Order Entered on the Docket, signed in court 7/27/17, /sjg. Emailed to G and D.	Image
08/04/2017	Protective Order Entered on the Docket, signed 8/2/17, /sjg. Emailed to G and D.	Image
08/10/2017	Motion for Protective Order Attorney: PHILLIPS, CHANNING D (415793)	Image
08/11/2017	Order that any respond to G's motion for a protective order regarding materials produced during discovery be filed on or before August 21, 2017,	Image
08/31/2017	Government,s Supplemental Pleading in Support of its Opposition to the Motions to Dismiss the indictment Attorney: PHILLIPS, CHANNING D (415793)	Image
09/06/2017	Order to Counsel to Appear for Hearing	Image
09/08/2017	Order Denying Motion to Establish Procedures for Addressing Critical Common Issues Prior to the First Trial	Image
09/14/2017	Order Denying Motion Entered on the Docket signed 9/14/17, /seh 9/14/17. eServed on G and D.	Image
09/15/2017	<p>Event Resulted - Release Status:PR PSA. Cell phone data was discussed; case continued to determine how to proceed. AUSA Kerkhoff was present. The following event: Status Hearing scheduled for 09/15/2017 at 11:30 am has been resulted as follows:</p> <p>Result: Hearing Held Judge: LEIBOVITZ, LYNN Location: Courtroom 215 LUKE MCGOWAN-ARNOLD (Defendant (Criminal)); ; JASON DOWNS (Attorney) on behalf of LUKE MCGOWAN-ARNOLD (Defendant (Criminal)); Judge LYNN LEIBOVITZ</p>	
09/29/2017	Order for Parties to File Objection to Motion to File Amicus Brief by 10-3-17. Entered on the Docket 9-29-17.BB	Image
10/02/2017	Order Entered on the Docket, signed 10/2/17	Image
10/06/2017	Order Granting Motion Entered on the Docket signed 10/5/17, /seh 10/6/17. eServed on G and D	Image
10/19/2017	Protective Order Entered on Docket, signed 10/19/17, /seh 10/19/17. eServed on G and D.	Image
11/01/2017	Order re Whether Count 2 of Indictment Properly Charged as Felony Entered on the Docket, signed 11/1/17. SEH 11/1/17. eServed on G and D.	Image
11/01/2017	Charge Filed Charge #2: Riot Act -Misc	
11/08/2017	Amended Protective Order Entered on the Docket, signed 11/8/17. SEH 11/8/17. eServed on G and D.	Image
11/09/2017	Government's Motion for an Amended Protective Order Regarding Discovery of MPD Training Materials Attorney: LIU, Ms JESSIE K (472845)	Image
11/13/2017	Order Granting Motion for Amended Protective Order Regarding Certain Discovery Materials Entered on the Docket, signed 11/13/17. SEH 11/13/17. eServed on G and D	Image
12/29/2017	<p>Event Scheduled Event: Motion Hearing Date: 02/23/2018 Time: 2:00 pm Judge: MCKENNA, JULIET J Location: Courtroom 215</p>	
12/29/2017	Judge Caseload Transfer-Criminal The judge was changed from LEIBOVITZ, LYNN to MCKENNA, JULIET .	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
12/29/2017	Event Scheduled Event: Jury Trial Date: 06/18/2018 Time: 9:30 am Judge: MCKENNA, JULIET J Location: Courtroom 215	
12/29/2017	Event Resulted - Release Status: The following event: Motion Hearing scheduled for 02/23/2018 at 2:00 pm has been resulted as follows: Result: Event Scheduled in Error Judge: MCKENNA, JULIET J Location: Courtroom 215	
12/29/2017	Event Scheduled The following event: Motion Hearing scheduled for 02/23/2018 at 2:00 pm has been rescheduled as follows: Event: Motion Hearing Date: 02/23/2018 Time: 2:00 pm Judge: MORIN, ROBERT E Location: Courtroom 315	
12/29/2017	Event Resulted - Release Status: The following event: Jury Trial scheduled for 06/18/2018 at 9:30 am has been resulted as follows: Result: Event Scheduled in Error Judge: MCKENNA, JULIET J Location: Courtroom 215	
12/29/2017	Event Scheduled The following event: Jury Trial scheduled for 06/18/2018 at 9:30 am has been rescheduled as follows: Event: Jury Trial Date: 06/18/2018 Time: 9:30 am Judge: MORIN, ROBERT E Location: Courtroom 315	
12/29/2017	Case Transferred to Another Judge The judge was changed from MCKENNA, JULIET J to MORIN, ROBERT E	
01/31/2018	Order Entered on the Docket -- Consolidating Trial Dates, Scheduling Trial Readiness Hearing, and Amending Motions Schedule for cases with trial dates on or after May 14, 2018. Signed in chambers by Chief Judge Morin on 01/31/18. Submitted via CaseFileXpress on 01/31/18. amp	Image
02/01/2018	Event Resulted - Release Status: The following event: Motion Hearing scheduled for 02/23/2018 at 2:00 pm has been resulted as follows: Result: Hearing Vacated Judge: MORIN, ROBERT E Location: Courtroom 315	
02/01/2018	Event Resulted - Release Status: The following event: Jury Trial scheduled for 06/18/2018 at 9:30 am has been resulted as follows: Result: Hearing Vacated Judge: MORIN, ROBERT E Location: Courtroom 315	
02/01/2018	Event Scheduled The following event: Jury Trial scheduled for 06/18/2018 at 9:30 am has been rescheduled as follows: Event: Jury Trial Date: 06/25/2018 Time: 9:30 am Judge: MORIN, ROBERT E Location: Courtroom 315	
02/01/2018	Event Scheduled Event: Trial Readiness Hearing Date: 06/15/2018 Time: 10:00 am Judge: MORIN, ROBERT E Location: Courtroom 315	
02/08/2018	Notice of Discovery Attorney: DOWNS, JASON (979476)	Image
03/05/2018	AMENDED Order Entered on the Docket -- Consolidating Trial Dates and Scheduling Trial Readiness Hearing. ORDERED an Amended Motions Schedule only for cases with trial dates on or after May 14, 2018. Signed in chambers by Chief Judge Morin, and submitted via CaseFileXpress, on 03/05/18. amp	Image
04/17/2018	Order Entered on the Docket -- requesting all defendants with pending cases to file a written response regarding the return of property to dismissed defendants within 60 days. Signed in chambers by CJ Morin, and filed via CaseFileXpress, on 04/17/18. ampa	Image
05/05/2018	Government's Amended Designation of Evidence. Attorney: LIU, Ms JESSIE K (472845)	Image
05/05/2018	Notice of Intent to Admit Expert Testimony Filed Attorney: LIU, Ms JESSIE K (472845)	Image

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
05/11/2018	Government's Motion for Joinder of Certain Offenses Attorney: LIU, Ms JESSIE K (472845)	Image
05/25/2018	Defendant Luke McGowan Arnold's Motion to Join Defendant Michael Basillas' Objection to the Admission of Co-Conspirator Statements Designated by the Government. Attorney: DOWNS, JASON (979476)	Image
05/25/2018	Government's Omnibus Opposition to Pretrial Motions. Attorney: LIU, Ms JESSIE K (472845)	Image
06/04/2018	Motion to Suppress Tangible Evidence and Memorandum of Points and Authorities in Support Thereof Filed Attorney: DOWNS, JASON (979476)	Image
06/08/2018	Event Resulted - Release Status: The following event: Trial Readiness Hearing scheduled for 06/15/2018 at 10:00 am has been resulted as follows: Result: Hearing Vacated Judge: MORIN, ROBERT E Location: Courtroom 315	
06/08/2018	Event Resulted - Release Status: The following event: Jury Trial scheduled for 06/25/2018 at 9:30 am has been resulted as follows: Result: Hearing Vacated Judge: MORIN, ROBERT E Location: Courtroom 315	
06/11/2018	Event Scheduled Event: Trial Readiness Hearing Date: 06/15/2018 Time: 10:00 am Judge: MORIN, ROBERT E Location: Courtroom 315	
06/11/2018	Event Scheduled Event: Jury Trial Date: 06/25/2018 Time: 9:30 am Judge: MORIN, ROBERT E Location: Courtroom 315	
06/12/2018	Defendant Luke McGowan Arnold's Motion to Join Several Pretrial Motion Filed by Co-Defendants. Attorney: DOWNS, JASON (979476)	Image
06/12/2018	Defender Luke McGowan Arnold's Motion to Join Co-Defendant's Motion to Strike Count Three from the Superseding Indictment. Attorney: DOWNS, JASON (979476)	Image
06/13/2018	Notice of Dismissal with Prejudice. Attorney: LIU, Ms JESSIE K (472845)	Image
06/13/2018	Order Granting Gov't Motion to Dismiss Instant Case Entered on the Docket. Signed in chambers by CJ Morin, and filed via CaseFileXpress, on 06/13/18. ampa	
06/13/2018	Charge Disposed - Dismissed	
06/13/2018	Charge Disposed - Dismissed	
06/13/2018	Charge Disposed - Dismissed	
06/13/2018	Charge Disposed - Dismissed	
06/13/2018	Charge Disposed - Dismissed	
06/13/2018	Charge Disposed - Dismissed	
06/13/2018	Charge Disposed - Dismissed	
06/13/2018	Charge Disposed - Dismissed	
06/13/2018	Charge Disposed - Dismissed	
06/13/2018	Charge Disposed - Dismissed	
06/13/2018	Charge Disposed - Dismissed	
06/13/2018	Case Disposed - Dismissed	
06/13/2018	Event Resulted - Release Status: The following event: Trial Readiness Hearing scheduled for 06/15/2018 at 10:00 am has been resulted as follows: Result: Hearing Vacated Judge: MORIN, ROBERT E Location: Courtroom 315	
06/13/2018	Event Resulted - Release Status: The following event: Jury Trial scheduled for 06/25/2018 at 9:30 am has been resulted as follows: Result: Dismissed - Nolle Judge: MORIN, ROBERT E Location: Courtroom 315	
06/13/2018	Order Entered on the Docket (See Order description below dated 06/13/2018)	Image

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
06/21/2018	Order Entered on the Docket -- Denying Without Prejudice the Return of Property in Dismissed Cases. Signed in chambers by Chief Judge Morin, and filed via CaseFileXpress, on 06/21/18. Courtesy copies emailed to counsel of record. ampa	Image

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Dismissed	06/13/2018	

2017 CF2 001245 United States Vs. GONZALEZ, MICHAEL REM

Case Type:
 Felony II
 Case Status:
 Closed
 File Date:
 01/21/2017
 Action:
 Riot Act -Felony
 Status Date:
 01/21/2017
 Next Event:

All Information Party Event Docket Disposition

Party Information

GONZALEZ, MICHAEL
 - Defendant (Criminal)

- Disposition
- Disp Date

Alias

- Party Attorney**
- Attorney
 - WILLIAMS, KANITA C

Events

Date/Time	Location	Type	Result	Event Judge
01/21/2017 01:00 PM	Courtroom C-10	Presentment	Hearing Held	
03/16/2017 11:00 AM	Courtroom 301	Preliminary Hearing	Hearing Vacated	
03/16/2017 11:00 AM	Courtroom 215	Felony Arraignment	Defn Arraigned Plead Not Guilty Jury Demand Made	
04/21/2017 03:30 PM	Courtroom 215	Status Hearing	Hearing Vacated	
06/09/2017 02:00 PM	Courtroom 215	Status Hearing	Hearing Vacated	
06/09/2017 02:00 PM	Courtroom 201	Felony Arraignment	Defn Arraigned Plead Not Guilty Jury Demand Made	
07/27/2017 11:00 AM	Courtroom 201	Motion Hearing	Hearing Held	
10/06/2017 11:30 AM	Courtroom 215	Status Hearing	Hearing Held	
10/13/2017 02:00 PM	Courtroom 215	Status Hearing	Hearing Vacated	
04/06/2018 02:00 PM	Courtroom 315	Motion Hearing	Hearing Vacated	
10/01/2018 09:30 AM	Courtroom 315	Jury Trial	Hearing Vacated	
10/19/2018 10:00 AM	Courtroom 315	Trial Readiness Hearing	Hearing Vacated	
10/29/2018 09:30 AM	Courtroom 315	Jury Trial	Hearing Vacated	

Docket Information

Date	Docket Text	Image Avail.
01/21/2017	Charge Filed Charge #1: Riot Act -Felony Charge 1: Riot Act -Felony	
01/21/2017	Charge Filed Charge 1: Riot Act -Felony	Image

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
01/21/2017	Gerstein Affidavit Filed	Image
01/21/2017	Event Scheduled Event: Presentment Date: 01/21/2017 Time: 1:00 pm Judge: BRANDT, RAINEY Location: Courtroom C-10	
01/21/2017	Attorney Appointed/PDS Attorney FOWLER, JOHN R representing Defendant (Criminal) GONZALEZ, MICHAEL as of 01/21/2017 MICHAEL GONZALEZ (Defendant (Criminal)); ; JOHN R FOWLER (Attorney) on behalf of MICHAEL GONZALEZ (Defendant (Criminal)); Judge LYNN LEIBOVITZ on behalf of Judge THOMAS J MOTLEY	Image
01/21/2017	CJA Eligibility	Image
01/21/2017	Event Scheduled Event: Preliminary Hearing Date: 03/16/2017 Time: 11:00 am Judge: PRELIMINARY HEARING JUDGE Location: Courtroom 301	
01/21/2017	Event Resulted - Release Status: PR PSA The following event: Presentment scheduled for 01/21/2017 at 1:00 pm has been resuled as follows: Result: Hearing Held Judge: LEIBOVITZ, LYNN Location: Courtroom C-10 MICHAEL GONZALEZ (Defendant (Criminal)); ; Judge LYNN LEIBOVITZ on behalf of Judge THOMAS J MOTLEY	
01/21/2017	Release Conditions	Image
01/21/2017	Release Conditions Ordered Party Name: GONZALEZ, MICHAEL Party Type: Defendant (Criminal) 1) Other conditions:: PR PSA BOND, Entry Date: 01/21/2017, Completion Date: , Amended Date: DO NOT GET ARRESTED IN WASHINGTON D.C. MICHAEL GONZALEZ (Defendant (Criminal)); ; JOHN R FOWLER (Attorney) on behalf of MICHAEL GONZALEZ (Defendant (Criminal)); Judge LYNN LEIBOVITZ on behalf of Judge THOMAS J MOTLEY	
01/21/2017	Initial Discovery Request Filed	Image
01/25/2017	Motion to Dismiss for Conflict of Interest, or in the Alternative, to Disqualify the Department of Justice and to Appoint a Special Prosecutor Filed Attorney: FOWLER, JOHN R (1017595)	Image
01/25/2017	Motion for Hearing Regarding Any Government Request for Search Warrant Filed Attorney: FOWLER, JOHN R (1017595)	Image
02/07/2017	Motion to Withdraw and to Appoint New Counsel Filed Attorney: FOWLER, JOHN R (1017595)	Image
02/08/2017	Case Transferred to Another Judge The judge was changed from MOTLEY, THOMAS J to LEIBOVITZ, LYNN	
02/08/2017	Indictment Filed---1 COUNT. Attorney: PHILLIPS, CHANNING D (415799)	Image
02/08/2017	Charge Filed Charge #1: Riot Act -Felony	
02/10/2017	Event Resulted - Release Status: The following event: Preliminary Hearing scheduled for 03/16/2017 at 11:00 am has been resuled as follows: Result: Hearing Vacated Judge: PRELIMINARY HEARING JUDGE Location: Courtroom 301	
02/10/2017	Event Scheduled The following event: Preliminary Hearing scheduled for 03/16/2017 at 11:00 am has been rescheduled as follows: Event: Felony Arraignment Date: 03/16/2017 Time: 11:00 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
02/10/2017	Notice of Discovery Attorney: WILLIAMS, KANITA (1001124)	Image
02/15/2017	Order Entered on the Docket	Image
02/21/2017	Charge Filed Charge #1: Riot Act -Felony	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
03/16/2017	Release Conditions	Image
03/16/2017	Release Conditions Ordered Party Name: GONZALEZ, MICHAEL Party Type: Defendant (Criminal) 1) Verify Address: BOND, Entry Date: 03/16/2017, Completion Date: , Amended Date: immediately 2) Other conditions:: BOND, Entry Date: 01/21/2017, Completion Date: , Amended Date: DO NOT GET ARRESTED IN WASHINGTON D.C.	
03/16/2017	Event Scheduled Event: Status Hearing Date: 04/21/2017 Time: 3:30 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
03/16/2017	Event Resulted - Release Status: PR PSA. Defendant arraigned and pled not guilty. Status hearing scheduled. AUSAs Kerkhoff and Borchard appeared on behalf of the Government. The following event: Felony Arraignment scheduled for 03/16/2017 at 11:00 am has been resulted as follows: Result: Defn Arraigned Plead Not Guilty Jury Demand Made Judge: LEIBOVITZ, LYNN Location: Courtroom 215 MICHAEL GONZALEZ (Defendant (Criminal)); ; KANITA C WILLIAMS (Attorney) on behalf of MICHAEL GONZALEZ (Defendant (Criminal)); Judge LYNN LEIBOVITZ	
03/16/2017	Attorney Appointed Attorney WILLIAMS, KANITA C representing Defendant (Criminal) GONZALEZ, MICHAEL as of 03/16/2017	
03/16/2017	Attorney Dismissed Attorney FOWLER, JOHN R dismissed/withdrawn for GONZALEZ, MICHAEL on 03/16/2017	
03/16/2017	Praecipe Not Submitted by Attorney	
03/23/2017	Government's Motion for a Protective Order Regarding Discovery of Cell Phone Data Attorney: PHILLIPS, CHANNING D (415793)	Image
03/23/2017	Government's Omnibus Proposal for Grouping Cases Filed Attorney: PHILLIPS, CHANNING D (415793)	Image
03/24/2017	GOVERNMENT'S OMNIBUS OPPOSITION TO DEFENDANTS' MOTION TO DISMISS OR TO DISQUALIFY THE DEPARTMENT OF JUSTICE Attorney: PHILLIPS, CHANNING D (415793)	Image
03/28/2017	Order Entered on the Docket	Image
04/03/2017	Order Extending Time to Respond to Government's Motion for a Protective Order Entered on the Docket	Image
04/10/2017	Event Resulted - Release Status: The following event: Status Hearing scheduled for 04/21/2017 at 3:30 pm has been resulted as follows: Result: Hearing Vacated Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
04/10/2017	Event Scheduled The following event: Status Hearing scheduled for 04/21/2017 at 3:30 pm has been rescheduled as follows: Event: Status Hearing Date: 06/09/2017 Time: 2:00 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
04/27/2017	Charge Filed Charge #1: Riot Act -Felony	
04/27/2017	Charge Filed Charge #2: Riot Act -Felony	
04/27/2017	Charge Filed Charge #3: Conspiracy	
04/27/2017	Charge Filed Charge #4: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #5: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #6: Destruction of Property \$1000 or More	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
04/27/2017	Charge Filed Charge #7: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #8: Destruction of Property \$1000 or More	
04/27/2017	Event Resulted - Release Status: The following event: Status Hearing scheduled for 06/09/2017 at 2:00 pm has been resulted as follows: Result: Hearing Vacated Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
04/27/2017	Event Scheduled Event: Felony Arraignment Date: 06/09/2017 Time: 2:00 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
05/01/2017	Email Correspondence Filed	Image
05/18/2017	Order denying defendants motions for dismissal and/or disqualification of the US DOJ and the Office of the US Attorney for the District of Columbia, Entered on the Docket, signed 5/18/17, /s/jg 5/18/17. Emailed to G and D.	Image
06/09/2017	Notice to Return to Court Filed Notice to Return to Court Sent on: 06/09/2017 17:35:57.05	Image
06/09/2017	Event Scheduled Event: Jury Trial Date: 10/01/2018 Time: 9:30 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
06/09/2017	Notice to Return to Court Filed Notice to Return to Court Sent on: 06/09/2017 17:36:36.31	Image
06/09/2017	Event Scheduled Event: Motion Hearing Date: 04/06/2018 Time: 2:00 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
06/09/2017	Notice to Return to Court Filed Notice to Return to Court Sent on: 06/09/2017 17:37:14.31	Image
06/09/2017	Event Resulted - Release Status: PR. Defendant arraigned. Defendant entered a plea of not guilty and speedy trial and a jury trial demand was made on this court date. Discovery demand was made on this court date. An AUSA representative (JENNIFER KERKOFF/JOHN BOCHEA) was present on behalf of the government. The following event: Felony Arraignment scheduled for 06/09/2017 at 2:00 pm has been resulted as follows: Result: Defn Arraigned Plead Not Guilty Jury Demand Made Judge: LEIBOVITZ, LYNN Location: Courtroom 201 MICHAEL GONZALEZ (Defendant (Criminal)); ; KANITA C WILLIAMS (Attorney) on behalf of MICHAEL GONZALEZ (Defendant (Criminal)); Judge LYNN LEIBOVITZ	
06/09/2017	Event Scheduled Event: Status Hearing Date: 10/06/2017 Time: 11:30 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
06/14/2017	Michael Gonzalez's Motion to Compel Disclosure to Defense Counsel of the Government's Legal Instructions to the Grand Jury and Memorandum of Points and Authorities in Support Thereof. Attorney: WILLIAMS, KANITA (1001124)	Image
07/12/2017	Defendant Michael Gonzalez's Motion to Dismiss the Indictment Filed Attorney: WILLIAMS, KANITA (1001124)	Image
07/17/2017	Government's Omnibus Opposition to the Motions to Dismiss the Indictment and Motions to Compel Grand Jury Information Filed Attorney: PHILLIPS, CHANNING D (415793)	
07/20/2017	Scheduling Order Entered on the Docket, signed 7/19/17, /s/jg 7/20/19. eServed on G and D.	Image
07/26/2017	Waiver of Appearance of Defendant at Motions Hearing Attorney: WILLIAMS, KANITA (1001124)	Image

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
07/26/2017	Event Scheduled Event: Motion Hearing Date: 07/27/2017 Time: 11:00 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
07/26/2017	Michael Gonzalez's Motion to Join Co-Defendant Bickard's Motion to Dismiss Superseding Indictment Pursuant to the First Amendment. Attorney: WILLIAMS, KANITA (1001124)	Image
07/26/2017	Michael Gonzalez's Motion to Join Co-Defendant Rosa Roncales' Motion to Dismiss Superseding Indictment. Attorney: WILLIAMS, KANITA (1001124)	Image
07/27/2017	Michael Gonzalez's Motion to Join and Adopt Co-Defendant's Response Pleadings. Attorney: WILLIAMS, KANITA (1001124)	Image
07/27/2017	Michael Gonzalez's Notice of Designation of Stand-In for Motions Hearing on July 27, 2017. Attorney: WILLIAMS, KANITA (1001124)	Image
07/27/2017	Event Resulted - Release Status: PR PSA. Motion's hearing was held. Defendant was not required to be present. Defense motion to dismiss indictment and Defense motion to compel government's instruction to grand jury was argued and will be taken under advisement. Count 11 of the indictment was dismissed by the government. If parties would like to order a transcript of today's hearing it can be found under the title (In the Matter of Gabriel Mielke et al 2017 CF2 1149) in court smart. Case continued to determine how to proceed. The following attorney's presented argument in today's proceeding: Kristin Robinson, Anna Scailion, Noah Clements, Sean Murphy, Veronice Holt, Rachele Cotton, Andrew English, Benjamin Krohmal, Julia Sheketoff, Philip Andonian and Joshua Shiffirin. AUSA Jennifer Kerkhoff and John Borchert were present for the government. Participant(s): Judge LYNN LEIBOVITZ	
07/28/2017	Protective Order Entered on the Docket, signed in court 7/27/17, /sjg. Emailed to G and D.	Image
08/04/2017	Protective Order Entered on the Docket, signed 8/2/17, /sjg. Emailed to G and D.	Image
08/10/2017	Motion for Protective Order Attorney: PHILLIPS, CHANNING D (415793)	Image
08/11/2017	Order that any respond to G's motion for a protective order regarding materials produced during discovery be filed on or before August 21, 2017,	Image
08/21/2017	Motion to Adopt and Join Co-Defendant's Opposition to the Government's Motion for a Protective Order, and Motion for a Protective Order Filed Attorney: WILLIAMS, KANITA (1001124)	Image
08/31/2017	Government's Supplemental Pleading in Support of its Opposition to the Motions to Dismiss the Indictment Attorney: PHILLIPS, CHANNING D (415793)	Image
09/06/2017	Order to Counsel to Appear for Hearing	Image
09/08/2017	Order Denying Motion to Establish Procedures for Addressing Critical Common Issues Prior to the First Trial	Image
09/14/2017	Order Denying Motion Entered on the Docket signed 9/14/17, /seh 9/14/17. eServed on G and D.	Image
09/29/2017	Order for Parties to File Objection to Motion to File Amicus Brief by 10-3-17. Entered on the Docket 9-29-17.BB	
10/02/2017	Order Entered on the Docket, signed 10/2/17	Image
10/06/2017	Event Scheduled Event: Status Hearing Date: 10/13/2017 Time: 2:00 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
10/06/2017	Notice to Return to Court Filed Notice to Return to Court Sent on: 10/06/2017 12:27:09.32	Image
10/06/2017	Event Resulted - Release Status: PR PSA. Cell phone data disclosures were discussed; case continued to resolve disclosures. The following event: Status Hearing scheduled for 10/06/2017 at 11:30 am has been resulted as follows: Result: Hearing Held Judge: LEIBOVITZ, LYNN Location: Courtroom 215 MICHAEL GONZALEZ (Defendant (Criminal)); ; KANITA C WILLIAMS (Attorney) on behalf of MICHAEL GONZALEZ (Defendant (Criminal)); Judge LYNN LEIBOVITZ	
10/06/2017	Order Granting Motion Entered on the Docket signed 10/5/17, /seh 10/6/17. eServed on G and D.	Image

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
10/12/2017	Event Resulted - Release Status: The following event: Status Hearing scheduled for 10/13/2017 at 2:00 pm has been resulted as follows: Result: Hearing Vacated Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
10/19/2017	Protective Order Entered on Docket, signed 10/19/17, /seh 10/19/17. eServed on G and D.	Image
11/01/2017	Order re Whether Count 2 of Indictment Properly Charged as Felony Entered on the Docket, signed 11/1/17. SEH 11/1/17. eServed on G and D.	Image
11/01/2017	Charge Filed Charge #2: Riot Act -Misd	
11/08/2017	Amended Protective Order Entered on the Docket, signed 11/8/17. SEH 11/8/17. eServed on G and D.	Image
11/09/2017	Government's Motion for an Amended Protective Order Regarding Discovery of MPD Training Materials Attorney: LIU, Ms JESSIE K (472845)	Image
11/13/2017	Order Granting Motion for Amended Protective Order Regarding Certain Discovery Materials Entered on the Docket, signed 11/13/17. SEH 11/13/17. eServed on G and D	Image
12/29/2017	Event Scheduled Event: Motion Hearing Date: 04/06/2018 Time: 2:00 pm Judge: MCKENNA, JULIET J Location: Courtroom 215	
12/29/2017	Event Scheduled Event: Jury Trial Date: 10/01/2018 Time: 9:30 am Judge: MCKENNA, JULIET J Location: Courtroom 215	
12/29/2017	Judge Caseload Transfer-Criminal The judge was changed from LEIBOVITZ, LYNN to MCKENNA, JULIET .	
12/29/2017	Event Resulted - Release Status: The following event: Motion Hearing scheduled for 04/06/2018 at 2:00 pm has been resulted as follows: Result: Event Scheduled in Error Judge: MCKENNA, JULIET J Location: Courtroom 215	
12/29/2017	Event Scheduled The following event: Motion Hearing scheduled for 04/06/2018 at 2:00 pm has been rescheduled as follows: Event: Motion Hearing Date: 04/06/2018 Time: 2:00 pm Judge: MORIN, ROBERT E Location: Courtroom 315	
12/29/2017	Event Resulted - Release Status: The following event: Jury Trial scheduled for 10/01/2018 at 9:30 am has been resulted as follows: Result: Event Scheduled in Error Judge: MCKENNA, JULIET J Location: Courtroom 215	
12/29/2017	Event Scheduled The following event: Jury Trial scheduled for 10/01/2018 at 9:30 am has been rescheduled as follows: Event: Jury Trial Date: 10/01/2018 Time: 9:30 am Judge: MORIN, ROBERT E Location: Courtroom 315	
12/29/2017	Case Transferred to Another Judge The judge was changed from MCKENNA, JULIET J to MORIN, ROBERT E	
01/31/2018	Order Entered on the Docket -- Consolidating Trial Dates, Scheduling Trial Readiness Hearing, and Amending Motions Schedule for cases with trial dates on or after May 14, 2018. Signed in chambers by Chief Judge Morin on 01/31/18. Submitted via CaseFileXpress on 01/31/18. amp	Image
02/01/2018	Event Resulted - Release Status: The following event: Motion Hearing scheduled for 04/06/2018 at 2:00 pm has been resulted as follows: Result: Hearing Vacated Judge: MORIN, ROBERT E Location: Courtroom 315	
02/01/2018	Event Resulted - Release Status: The following event: Jury Trial scheduled for 10/01/2018 at 9:30 am has been resulted as follows: Result: Hearing Vacated Judge: MORIN, ROBERT E Location: Courtroom 315	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
02/01/2018	Event Scheduled The following event: Jury Trial scheduled for 10/01/2018 at 9:30 am has been rescheduled as follows: Event: Jury Trial Date: 10/29/2018 Time: 9:30 am Judge: MORIN, ROBERT E Location: Courtroom 315	
02/01/2018	Event Scheduled Event: Trial Readiness Hearing Date: 10/19/2018 Time: 10:00 am Judge: MORIN, ROBERT E Location: Courtroom 315	
03/05/2018	AMENDED Order Entered on the Docket -- Consolidating Trial Dates and Scheduling Trial Readiness Hearing. ORDERED an Amended Motions Schedule only for cases with trial dates on or after May 14, 2018. Signed in chambers by Chief Judge Morin, and submitted via CaseFileXpress, on 03/05/18.	Image
04/17/2018	Order Entered on the Docket -- requesting all defendants with pending cases to file a written response regarding the return of property to dismissed defendants within 60 days. Signed in chambers by CJ Morin, and filed via CaseFileXpress, on 04/17/18. ampa	Image
05/08/2018	Notice of Non Compliance	Image
06/15/2018	Motion to Adopt and Join Defendant Nicole Ambruster's Position on Return of Dismissed Defendant's Property Attorney: WILLIAMS, KANITA C (1001124)	Image
06/21/2018	Order Entered on the Docket Denying Without Prejudice the Return of Property in Dismissed Cases. Signed in chambers by Chief Judge Morin, and filed via CaseFileXpress, on 06/21/18. Courtesy copies emailed to counsel of record. ampa	Image
07/06/2018	Motion to Dismiss Without Prejudice Attorney: LIU, Ms JESSIE K (472845)	Image
07/06/2018	Order Granting Gov't Motion to Dismiss Without Prejudice Entered on the Docket. Signed in chambers by Chief Judge Morin and eFiled in lead case on 07/06/18. Courtesy copies emailed to parties on 07/06/18. All remaining dates vacated. ampa	Image
07/06/2018	Charge Disposed - Dismissed	
07/06/2018	Charge Disposed - Dismissed	
07/06/2018	Charge Disposed - Dismissed	
07/06/2018	Charge Disposed - Dismissed	
07/06/2018	Charge Disposed - Dismissed	
07/06/2018	Charge Disposed - Dismissed	
07/06/2018	Charge Disposed - Dismissed	
07/06/2018	Charge Disposed - Dismissed	
07/06/2018	Charge Disposed - Dismissed	
07/06/2018	Case Disposed - Dismissed	
07/10/2018	Event Resulted - Release Status: The following event: Jury Trial scheduled for 10/29/2018 at 9:30 am has been resulted as follows: Result: Hearing Vacated Judge: MORIN, ROBERT E Location: Courtroom 315	
08/22/2018	Motion to Adopt and Join Defendant Cassandra Beale's Motion to Reconsider Dismissal Order Attorney: WILLIAMS, KANITA C (1001124)	Image
11/05/2018	Motion to Adopt and Join Co-Defendant Elizabeth Lagesse's Motion to Join Defendants' Opposition to the Government's Reconsideration Motion. Attorney: WILLIAMS, KANITA (1001124)	Image
03/29/2019	Order Granting Government's Proposed Motion to Reconsider and Dismiss with Prejudice Entered on the Docket. Signed in chambers by CJ Morin 3.29.2019. eFiled and emailed to parties 3.29.2019. dwg	Image

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Dismissed	07/06/2018	

2017 CF2 001291 United States Vs. MACLAREN, ASHLEY M REM

Case Type:
 Felony II
 Case Status:
 Closed
 File Date:
 01/21/2017
 Action:
 Riot Act -Felony
 Status Date:
 01/21/2017
 Next Event:

All Information Party Event Docket Disposition

Party Information

MACLAREN, ASHLEY M
 - Defendant (Criminal)

- Disposition
- Disp Date
- Party Attorney
 - Attorney
 - KIERSH, STEVEN R

Events

Date/Time	Location	Type	Result	Event Judge
01/21/2017 02:15 PM	Courtroom C-10	Presentment	Hearing Held	
03/14/2017 11:00 AM	Courtroom 301	Preliminary Hearing	Hearing Vacated	
03/14/2017 11:00 AM	Courtroom 215	Felony Arraignment	Defendant Pled Not Glty Trial Rights Were Asserted	
04/21/2017 03:30 PM	Courtroom 215	Status Hearing	Hearing Vacated	
06/23/2017 03:30 PM	Courtroom 215	Status Hearing	Hearing Vacated	
06/23/2017 03:30 PM	Courtroom 215	Felony Arraignment	Defn Arraigned Plead Not Guilty Jury Demand Made	
07/27/2017 11:00 AM	Courtroom 201	Motion Hearing	Hearing Held	
09/29/2017 11:30 AM	Courtroom 215	Status Hearing	Hearing Vacated	
09/29/2017 02:00 PM	Courtroom 215	Status Hearing	Hearing Held	
03/02/2018 02:00 PM	Courtroom 315	Motion Hearing	Dismissed - Nolle	
08/06/2018 09:30 AM	Courtroom 315	Jury Trial	Dismissed - Nolle	

Docket Information

Date	Docket Text	Image Avail.
01/21/2017	Charge Filed Charge #1: Riot Act -Felony Charge 1: Riot Act -Felony	
01/21/2017	Charge Filed Charge 1: Riot Act -Felony	Image
01/21/2017	Gerstein Affidavit Filed	Image

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
01/21/2017	Event Scheduled Event: Presentment Date: 01/21/2017 Time: 2:15 pm Judge: BRANDT, RAINEY Location: Courtroom C-10	
01/21/2017	Attorney Appointed Attorney GOLDSTONE, Mr MARK L representing Defendant (Criminal) MACLAREN, ASHLEY M as of 01/21/2017 ASHLEY M MACLAREN (Defendant (Criminal)); ; Mr MARK L GOLDSTONE (Attorney) on behalf of ASHLEY M MACLAREN (Defendant (Criminal)); Judge LYNN LEIBOVITZ on behalf of Judge MARIBETH RAFFINAN	Image
01/21/2017	CJA Eligibility - Eligible with Contribution	Image
01/21/2017	Event Scheduled Event: Preliminary Hearing Date: 03/14/2017 Time: 11:00 am Judge: PRELIMINARY HEARING JUDGE Location: Courtroom 301	
01/21/2017	Event Resulted - Release Status: PR PS A The following event: Presentment scheduled for 01/21/2017 at 2:15 pm has been resulted as follows: Result: Hearing Held Judge: LEIBOVITZ, LYNN Location: Courtroom C-10 ASHLEY M MACLAREN (Defendant (Criminal)); ; Judge LYNN LEIBOVITZ on behalf of Judge MARIBETH RAFFINAN	
01/21/2017	CJA Contribution Ordered	Image
01/21/2017	Release Conditions	Image
01/24/2017	Criminal Justice Act Contribution Order	
02/08/2017	Case Transferred to Another Judge The judge was changed from RAFFINAN, MARIBETH to LEIBOVITZ, LYNN	
02/08/2017	Indictment Filed---1 COUNT. Attorney: PHILLIPS, CHANNING D (415793)	Image
02/08/2017	Charge Filed Charge #1: Riot Act -Felony	
02/10/2017	Event Resulted - Release Status: The following event: Preliminary Hearing scheduled for 03/14/2017 at 11:00 am has been resulted as follows: Result: Hearing Vacated Judge: PRELIMINARY HEARING JUDGE Location: Courtroom 301	
02/10/2017	Event Scheduled The following event: Preliminary Hearing scheduled for 03/14/2017 at 11:00 am has been rescheduled as follows: Event: Felony Arraignment Date: 03/14/2017 Time: 11:00 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
02/13/2017	Attorney Appointed (Retained) Attorney KIERSH, Mr STEVEN R representing Defendant (Criminal) MACLAREN, ASHLEY M as of 02/13/2017	
02/13/2017	Attorney Dismissed Attorney GOLDSTONE, Mr MARK L dismissed/withdrawn for MACLAREN, ASHLEY M on 02/13/2017	
02/14/2017	Retained Praecipe Filed Attorney: KIERSH, Mr STEVEN R (323329)	Image
02/21/2017	Charge Filed Charge #1: Riot Act -Felony	
03/14/2017	Event Scheduled Event: Status Hearing Date: 04/21/2017 Time: 3:30 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
03/14/2017	Release Conditions	Image
03/14/2017	Release Conditions Ordered Party Name: MACLAREN, ASHLEY M Party Type: Defendant (Criminal) 1) Verify Address: BOND, Entry Date: 03/14/2017, Completion Date: , Amended Date:	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
03/14/2017	Event Resulted - Release Status: PR PSA. Defendant was arraigned and plead not guilty; case continued for a status hearing. The following event: Felony Arraignment scheduled for 03/14/2017 at 11:00 am has been resulted as follows: Result: Defendant Pled Not Gilty Trial Rights Were Asserted Judge: LEIBOVITZ, LYNN Location: Courtroom 215 ASHLEY M MACLAREN (Defendant (Criminal)); ; Mr STEVEN R KIERSH (Attorney) on behalf of ASHLEY M MACLAREN (Defendant (Criminal)); Judge LYNN LEIBOVITZ	
03/16/2017	Motion to Continue Status Hearing One Week to April 28, 2017 Filed Attorney: KIERSH, Mr STEVEN R (323329)	Image
03/22/2017	Event Resulted - Release Status: The following event: Status Hearing scheduled for 04/21/2017 at 3:30 pm has been resulted as follows: Result: Hearing Vacated Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
03/22/2017	Event Scheduled The following event: Status Hearing scheduled for 04/21/2017 at 3:30 pm has been rescheduled as follows: Event: Status Hearing Date: 06/23/2017 Time: 3:30 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
03/23/2017	Motion for Protective Order Attorney: PHILLIPS, CHANNING D (415793)	Image
03/23/2017	Government's Omnibus Proposal for Grouping Cases Attorney: PHILLIPS, CHANNING D (415793)	Image
03/28/2017	Order Entered on the Docket	Image
04/03/2017	Order Extending Time to Respond to Government's Motion for a Protective Order Entered on the Docket	Image
04/27/2017	Charge Filed Charge #1: Riot Act -Felony	
04/27/2017	Charge Filed Charge #2: Riot Act -Felony	
04/27/2017	Charge Filed Charge #3: Conspiracy	
04/27/2017	Charge Filed Charge #4: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #5: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #6: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #7: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #8: Destruction of Property \$1000 or More	
04/27/2017	Charge Filed Charge #9: Assault On A Police Officer	
04/27/2017	Event Resulted - Release Status: The following event: Status Hearing scheduled for 06/23/2017 at 3:30 pm has been resulted as follows: Result: Hearing Vacated Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
04/27/2017	Event Scheduled Event: Felony Arraignment Date: 06/23/2017 Time: 3:30 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
05/01/2017	Correspondence Filed/Received/Sent	Image
05/18/2017	Order denying defendants motions for dismissal and/or disqualification of the US DOJ and the Office of the US Attorney for the District of Columbia, Entered on the Docket, signed 5/18/17, /s/jg 5/18/17. Emailed to G and D.	Image
06/14/2017	Order granting motion for appointment of counsel and appointing Steven R. Kiersh as counsel for D pursuant to the Criminal Justice Act, Entered on the Docket, signed 6/14/17, /s/jg 6/14/17. eServed on G and D.	

Date	Docket Text	Image Avail.
06/14/2017	Order Granting Motion Entered on the Docket (Please see description below)	Image
06/23/2017	Event Scheduled Event: Motion Hearing Date: 07/27/2017 Time: 11:00 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
06/23/2017	Event Scheduled Event: Status Hearing Date: 09/29/2017 Time: 11:30 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
06/23/2017	Event Scheduled Event: Motion Hearing Date: 03/02/2018 Time: 2:00 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
06/23/2017	Event Scheduled Event: Jury Trial Date: 09/06/2018 Time: 9:30 am Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
06/23/2017	Event Resulted - Release Status: PR PSA. Government to respond to the motion to dismiss by July 14, 2017. Hearing to be scheduled for July 27, 2017 to rule on the motion to dismiss; defendant's presence is waived for that hearing. Any Belcher motion due within 2 weeks. All bill of particular motions will be responded to within 2 weeks. Government to disclose cell phone data by July 28, 2017. Status to discuss cell phone data was scheduled. Motions hearing and trial date were also scheduled. Motions due 12/15/2017; Responses due 1/26/2018. AUSAs John Borchert and Jennifer Kerkhoff appeared on behalf of the Government. Court Reporter: Deborah Armstrong The following event: Felony Arraignment scheduled for 06/23/2017 at 3:30 pm has been resulted as follows: Result: Defn Arraigned Plead Not Guilty Jury Demand Made Judge: LEIBOVITZ, LYNN Location: Courtroom 215 ASHLEY M MACLAREN (Defendant (Criminal)); ; Mr MARK L GOLDSTONE (Attorney) on behalf of ASHLEY M MACLAREN (Defendant (Criminal)); Judge LYNN LEIBOVITZ	
06/23/2017	Notice to Return to Court Filed Notice to Return to Court Sent on: 06/23/2017 16:57:13.23	Image
06/23/2017	Notice to Return to Court Filed Notice to Return to Court Sent on: 06/23/2017 16:57:18.22	Image
06/23/2017	Notice to Return to Court Filed Notice to Return to Court Sent on: 06/23/2017 16:57:22.84	Image
07/14/2017	Government's Omnibus Opposition to the Motions to Dismiss the Indictment and Motions to Compel Grand Jury Information Filed Attorney: PHILLIPS, CHANNING D (415793)	Image
07/14/2017	Motion to Adopt and Join All Motions of Codefendants Attorney: KIERSH, Mr STEVEN R (323329)	Image
07/20/2017	Scheduling Order Entered on the Docket, signed 7/19/17, /s/jg 7/20/19. eServed on G and D.	Image
07/27/2017	Event Resulted - Release Status: PR PSA. Motions' hearing was held. Defendant was not required to be present. Defense motion to dismiss indictment and Defense motion to compel government's instruction to grand jury was argued and will be taken under advisement. Count 11 of the indictment was dismissed by the government. If parties would like to order a transcript of today's hearing it can be found under the title (In the Matter of Gabriel Mielke et al 2017 CF2 1149) in court smart. Case continued to determine how to proceed. The following attorney's presented argument in today's proceeding: Kristin Robinson, Anna Scallion, Noah Clements, Sean Murphy, Veronica Holt, Rachelle Cotton, Andrew English, Benjamin Krohmal, Julia Sheketoff, Philip Andonian and Joshua Shiffrin. AUSA Jennifer Kerkhoff and John Borchert were present for the government. The following event: Motion Hearing scheduled for 07/27/2017 at 11:00 am has been resulted as follows: Result: Hearing Held Judge: LEIBOVITZ, LYNN Location: Courtroom 201 Participant(s): Judge LYNN LEIBOVITZ	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
07/28/2017	Protective Order Entered on the Docket, signed in court 7/27/17, /sjg. Emailed to G and D.	Image
08/04/2017	Protective Order Entered on the Docket, signed 8/2/17, /sjg. Emailed to G and D.	Image
08/10/2017	Motion for Protective Order Attorney: PHILLIPS, CHANNING D (415793)	
08/10/2017	Motion for Protective Order Attorney: PHILLIPS, CHANNING D (415793)	Image
08/11/2017	Order that any respond to G's motion for a protective order regarding materials produced during discovery be filed on or before August 21, 2017, Entered on the Docket, signed 8/10/17, /sjg. Emailed to G and D.	Image
08/18/2017	Protective Order Regarding Materials Produced during Discovery Entered on the Docket, signed 8/18/17 /seh. emailed to G and D	Image
08/31/2017	Government's Supplemental Pleading in Support of its Opposition to the Motions to Dismiss the Indictment Filed Attorney: PHILLIPS, CHANNING D (415793)	Image
09/06/2017	Order to Counsel to Appear for Hearing Entered on the Docket, signed 9/6/17, /seh 9/6/17. eServed on G and Ds.	Image
09/10/2017	Order Denying Motion to Establish Procedures for Addressing Critical Common Issues Prior to the First Trial Entered on the Docket, signed 9/8/17, /seh. eServed on G and D.	Image
09/14/2017	Order Denying Motion Entered on the Docket signed 9/14/17, /seh 9/14/17. eServed on G and D.	Image
09/15/2017	Event Resulted - Release Status: The following event: Status Hearing scheduled for 09/29/2017 at 11:30 am has been resulted as follows: Result: Hearing Vacated Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
09/15/2017	Event Scheduled Event: Status Hearing Date: 09/29/2017 Time: 2:00 pm Judge: LEIBOVITZ, LYNN Location: Courtroom 215	
09/29/2017	Event Resulted - Release Status: Bond remains PR. AUSA Kerkhoff is present. Cell phone disclosures were discussed. The case is continued to determine the appropriate case course. The following event: Status Hearing scheduled for 09/29/2017 at 2:00 pm has been resulted as follows: Result: Hearing Held Judge: LEIBOVITZ, LYNN Location: Courtroom 215 ASHLEY M MACLAREN (Defendant (Criminal)); ; Mr STEVEN R KIERSH (Attorney) on behalf of ASHLEY M MACLAREN (Defendant (Criminal)); Judge LYNN LEIBOVITZ	
09/29/2017	Order for Parties to File Objection to Motion to File Amicus Brief by 10-3-17. Entered on the Docket 9-29-17.BB	Image
10/02/2017	Order Entered on the Docket, signed 10/2/17	Image
10/06/2017	Order Granting Motion Entered on the Docket signed 10/5/17, /seh 10/6/17. eServed on G and D	Image
10/09/2017	Waiver of Appearance Attorney: KIERSH, Mr STEVEN R (323329)	Image
10/19/2017	Protective Order Entered on Docket, signed 10/19/17, /seh 10/19/17. eServed on G and D.	Image
11/01/2017	Order re Whether Count 2 of Indictment Properly Charged as Felony Entered on the Docket, signed 11/1/17. SEH 11/1/17. eServed on G and D.	Image
11/01/2017	Charge Filed Charge #2: Riot Act -Misd	
11/08/2017	Amended Protective Order Entered on the Docket, signed 11/8/17. SEH 11/8/17. eServed on G and D.	Image
11/09/2017	Government's Motion for an Amended Protective Order Regarding Discovery of MPD Training Materials Attorney: LIU, Ms JESSIE K (472945)	Image
11/13/2017	Order Granting Motion for Amended Protective Order Regarding Certain Discovery Materials Entered on the Docket, signed 11/13/17. SEH 11/13/17. eServed on G and D	Image
12/29/2017	Event Scheduled Event: Jury Trial Date: 08/06/2018 Time: 9:30 am Judge: MCKENNA, JULIET J Location: Courtroom 215	

<u>Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
12/29/2017	Event Scheduled Event: Motion Hearing Date: 03/02/2018 Time: 2:00 pm Judge: MCKENNA, JULIET J Location: Courtroom 215	
12/29/2017	Judge Caseload Transfer-Criminal The judge was changed from LEIBOVITZ, LYNN to MCKENNA, JULIET .	
12/29/2017	Event Resulted - Release Status: The following event: Motion Hearing scheduled for 03/02/2018 at 2:00 pm has been resulted as follows: Result: Event Scheduled In Error Judge: MCKENNA, JULIET J Location: Courtroom 215	
12/29/2017	Event Scheduled The following event: Motion Hearing scheduled for 03/02/2018 at 2:00 pm has been rescheduled as follows: Event: Motion Hearing Date: 03/02/2018 Time: 2:00 pm Judge: MORIN, ROBERT E Location: Courtroom 315	
12/29/2017	Event Resulted - Release Status: The following event: Jury Trial scheduled for 08/06/2018 at 9:30 am has been resulted as follows: Result: Event Scheduled In Error Judge: MCKENNA, JULIET J Location: Courtroom 215	
12/29/2017	Event Scheduled The following event: Jury Trial scheduled for 08/06/2018 at 9:30 am has been rescheduled as follows: Event: Jury Trial Date: 08/06/2018 Time: 9:30 am Judge: MORIN, ROBERT E Location: Courtroom 315	
12/29/2017	Case Transferred to Another Judge The judge was changed from MCKENNA, JULIET J to MORIN, ROBERT E	
01/19/2018	Motion to Dismiss Filed: Attorney: LIU, Ms JESSIE K (472845)	Image
01/22/2018	Order granting Gov't Motion to Dismiss Without Prejudice the Instant Case Entered on the Docket. Signed in chambers by Chief Judge Morin on 01/22/18. Motion hearing and jury trial dates vacated. amp	Image
01/22/2018	Charge Disposed - Dismissed	
01/22/2018	Charge Disposed - Dismissed	
01/22/2018	Charge Disposed - Dismissed	
01/22/2018	Charge Disposed - Dismissed	
01/22/2018	Charge Disposed - Dismissed	
01/22/2018	Charge Disposed - Dismissed	
01/22/2018	Charge Disposed - Dismissed	
01/22/2018	Charge Disposed - Dismissed	
01/22/2018	Charge Disposed - Dismissed	
01/22/2018	Case Disposed - Dismissed	
01/23/2018	Event Resulted - Release Status: The following event: Motion Hearing scheduled for 03/02/2018 at 2:00 pm has been resulted as follows: Result: Dismissed - Nolle Judge: MORIN, ROBERT E Location: Courtroom 315	
01/23/2018	Event Resulted - Release Status: The following event: Jury Trial scheduled for 08/06/2018 at 9:30 am has been resulted as follows: Result: Dismissed - Nolle Judge: MORIN, ROBERT E Location: Courtroom 315	
01/24/2018	Amended Dismissal Order in the instant case Entered on the Docket. Signed in chambers by Chief Judge Morin on 01/24/18. AMP	Image
03/29/2019	Order Granting Government's Proposed Motion to Reconsider and Dismiss with Prejudice Entered on the Docket. Signed in chambers by CJ Morin 3.29.2019. eFiled and emailed to parties 3.29.2019. dwg	Image

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Dismissed	01/23/2018	