

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CR No. 21-28-4,5
)	Washington, D.C.
vs.)	March 4, 2021
)	2:30 p.m.
SANDRA RUTH PARKER,)	
BENNIE ALVIN PARKER,)	
)	
Defendants)	
_____)	

TRANSCRIPT OF INITIAL APPEARANCE/ARRAIGNMENT
VIA ZOOM PROCEEDINGS
BEFORE THE HONORABLE AMIT P. MEHTA
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:	Kathryn Leigh Rakoczy
	Ahmed Baset
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APPEARANCES CONTINUED:

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1 P R O C E E D I N G S

2 COURTROOM DEPUTY: Good afternoon, Your Honor.

3 This is Criminal Case No. 21-28, the
4 United States of America versus Defendant No. 4, Sandra Ruth
5 Parker, and Defendant No. 5, Bennie Alvin Parker.

6 Kathryn Rakoczy, Ahmed Baset, Jeffrey Nestler, and
7 Alexandria Hughes for the government.

8 John Machado for Defendant Sandra Parker.

9 Stephen Brennwald for Defendant Bennie Parker.

10 The defendants are appearing via videoconference
11 for this hearing.

12 And Christine Schuck is on the line on behalf of
13 Pretrial Services.

14 THE COURT: Okay. Good afternoon, everyone.

15 Mr. and Ms. Parker, good afternoon to you.
16 Can you hear me okay?

17 You're on mute. So you've shaken your heads, so
18 you've acknowledged that you can hear me.

19 So we're here this afternoon for an initial
20 appearance for the Parkers, at least in front of me, but,
21 more importantly, for an arraignment. So before we do that,
22 are there any preliminary issues either side wishes to raise
23 before we turn to the arraignment?

24 MS. RAKOCZY: Not for the government, Your Honor.
25 Thank you.

1 MR. MACHADO: Not for the defense, Your Honor.

2 MR. BRENNWALD: Not for Mr. Parker.

3 THE COURT: Okay.

4 I'll turn it over to Mr. Douyon. And I'll ask the
5 Parkers to listen to the Courtroom Deputy, okay? He'll have
6 a few requests for you to make -- of you all.

7 So go ahead, Mr. Douyon.

8 Mr. Douyon, I'm not able to hear you. I don't
9 know if others are.

10 COURTROOM DEPUTY: Let the record reflect that the
11 defendants have received a copy of the superseding
12 indictment.

13 Ms. Parker, do you wish to waive the formal
14 reading of the superseding indictment?

15 MR. MACHADO: John Machado on behalf of
16 Ms. Parker.

17 We waive formal reading of the charges, assert my
18 client's Fifth and Sixth Amendment rights, including the
19 right to a speedy trial, and enter a plea of not guilty.

20 COURTROOM DEPUTY: I'll go ahead and read the
21 counts anyway.

22 Your Honor -- or, I'm sorry. Ms. Parker, in
23 Criminal Case No. 21-28-4, you've been charged with the
24 following counts:

25 Count 1, conspiracy, in violation of Title 18

1 United States Code Section 371;

2 Count 2, obstruction of an official proceeding and
3 aiding and abetting, in violation of Title 18 United States
4 Code Section 1512(c)(2) and Section 2;

5 Count 3, destruction of government property and
6 aiding and abetting, in violation of Title 18 United States
7 Code Section 1361 and Section 2;

8 And Count 4, restricted building or grounds, in
9 violation of Title 18 United States Code Section 1752(a)(1).

10 How do you wish to plead?

11 MR. MACHADO: Again, John Machado on behalf of
12 Sandra Parker.

13 We'll enter a plea of not guilty, waive formal
14 reading of the charges, and assert her Fifth and
15 Sixth Amendment rights in this and all other proceedings.

16 COURTROOM DEPUTY: Thank you, Mr. Machado.

17 And now I will turn to Mr. Parker.

18 Do you wish to waive the formal reading of the
19 superseding indictment?

20 MR. BRENNWALD: Mr. Parker will waive formal
21 reading of the indictment.

22 THE COURT: Thank you.

23 Mr. Parker, in Criminal Case No. 21-28-5, you have
24 been charged with the following counts:

25 Count 1, conspiracy, in violation of Title 18

1 United States Code Section 371;

2 Count 2, obstruction of an official proceeding and
3 aiding and abetting, in violation of Title 18 United States
4 Code Section 1512(c)(2), and Section 2;

5 Count 3, destruction of government property and
6 aiding and abetting, in violation of Title 18 United States
7 Code Section 1361 and Section 2;

8 And Count 4, restricted building or grounds, in
9 violation of Title 18 United States Code 1752(a)(1).

10 How do you wish to plead?

11 MR. BRENNWALD: On behalf of Mr. Bennie Parker,
12 we will plead not guilty to each of those counts and assert
13 his constitutional rights, including his rights under the
14 Fifth and Sixth Amendment at this and any other hearings.

15 COURTROOM DEPUTY: Thank you.

16 THE COURT: All right. Mr. Brennwald, thank you;
17 Mr. Machado, thank you.

18 We'll make sure the record reflects the entry of
19 not-guilty pleas on behalf of both defendants as to each and
20 every count of the indictment.

21 I'm actually going to ask everybody to hold on for
22 two seconds. I'm going to go off video and mute the line.
23 I'll be back with everybody just in about 15 seconds, okay?

24 (Pause)

25 THE COURT: Okay. Thank you, all, for your

1 patience.

2 All right. With that, we now have pleas entered
3 for the Parkers.

4 We have a date set, a control date of May the 12th
5 for all the defendants in this case. We're trying to get
6 everybody on the same schedule.

7 Mr. Douyon, what's the time, is it 10:00 a.m. on
8 May the 12th?

9 Mr. Douyon, you're on mute.

10 COURTROOM DEPUTY: I apologize, Your Honor.

11 MS. RAKOCZY: I think it may have been March 12th,
12 Your Honor.

13 THE COURT: March 12th.

14 I said May 10th. Yes, March 12th.

15 COURTROOM DEPUTY: March 12th at 3:00 p.m. is the
16 time.

17 THE COURT: Okay. At 3:00 p.m.

18 Mr. Machado and Mr. Brennwald, hopefully, that
19 date and time is available for you and your clients?

20 MR. BRENNWALD: Checking my calendar.

21 Yes. At 3:00? Just confirmed 3:00.

22 THE COURT: 3:00 p.m. Yes.

23 MR. MACHADO: Yes. No conflict. Thank you.

24 THE COURT: Mr. Brennwald?

25 You're on mute, Mr. Brennwald.

1 MR. BRENNWALD: I'm sorry.

2 It works fine for me. Perhaps we should just
3 double-check with the Parkers, make sure they're available.
4 I mean, I imagine they would be.

5 But, Mr. Parker and Ms. Parker, are you all
6 available next Friday, March the 12th, at 3:00 p.m. for a
7 hearing?

8 DEFENDANT BENNIE PARKER: Yes.

9 DEFENDANT SANDRA PARKER: Yes.

10 THE COURT: Okay. Very good.

11 So, you know, we'll have a longer discussion about
12 this next Friday, but let me just ask Ms. Rakoczy, in terms
13 of discovery with respect to these two defendants, has that
14 process begun?

15 MS. RAKOCZY: Your Honor, I emailed counsel for
16 both defendants earlier today to see if they would agree to
17 the terms of -- some informal terms to govern the provision
18 of discovery while we put in place a protective order.
19 These are the same terms that the co-defendants' counsel
20 have agreed to. And assuming they agree, hopefully, there
21 won't be a dispute about that, then I can provide discovery
22 as early as this afternoon, which will include all the
23 materials that the three co-defendants' attorneys have
24 received and a few additional materials that have to do with
25 the Parkers' arrests.

1 THE COURT: Okay. Good.

2 Well, I'm glad to hear that that process has
3 started.

4 So, Mr. Machado, Mr. Brennwald, hopefully, you all
5 can come to some agreement on at least the interim
6 protective order so that the discovery can get started being
7 disclosed to you all and then we can be in a position next
8 Friday to at least talk about a schedule moving forward.

9 I guess before -- I've got two housekeeping
10 things; but before I turn to those, does anybody wish to
11 raise anything while we're all together this afternoon?

12 MR. BRENNWALD: On behalf of Mr. Parker, we don't
13 have any problem with the interim-protective-order language,
14 so we can get that started.

15 MR. MACHADO: On behalf of Sandra Parker, same; we
16 would agree to the order that's already been agreed upon.

17 THE COURT: Okay.

18 All right. So just two things, then, in terms of
19 housekeeping matters: The first is, since this is the
20 Parkers' initial appearance before me, I just want to remind
21 the government of its obligation with respect to the
22 disclosure of exculpatory material to the Parkers, both
23 under *Brady versus Maryland* and then also our Local Rule,
24 and that the failure to make those disclosures can have
25 various consequences, and I'll just ask government counsel

1 to acknowledge that.

2 MS. RAKOCZY: Yes, Your Honor. I understand.

3 Thank you.

4 THE COURT: All right. Thank you, Counsel.

5 And then finally, Mr. Machado and Mr. Brennwald,
6 have you talked to your clients about speedy trial and
7 exclusion of time at least through our next date?

8 MR. BRENNWALD: On behalf of Mr. Parker,
9 Your Honor, I did talk to him about it, I explained to him
10 his rights, and he agrees to waive the speedy trial clock
11 between today and March 12th.

12 THE COURT: Mr. Machado.

13 MR. MACHADO: Your Honor, unfortunately, it
14 slipped, discussing that with Ms. Parker. If the Court
15 wants to direct it or if the Court wants to give me a
16 moment, I can.

17 THE COURT: Well, why don't you talk to her. I'll
18 give you a second here. Why don't you -- if you need a
19 moment to go offline and give her a call, why don't you do
20 that, Mr. Machado, just so she's aware of her rights.

21 MR. MACHADO: That would be fine. My apologies.
22 Thank you.

23 THE COURT: No. That's okay.

24 COURTROOM DEPUTY: And, Mr. Machado, I can put you
25 in a breakout room with Ms. Parker.

1 MR. MACHADO: Yes. That's fine.

2 I don't know if Ms. Parker is leaving or is she
3 getting her phone?

4 THE COURT: It looks like she's going to get her
5 phone.

6 MR. MACHADO: I think that -- if Mr. Brennwald has
7 no objection, I can speak to her with your client present as
8 well so we could just do this via video.

9 MR. BRENNWALD: That's fine.

10 I'm sure Mr. Parker talked to her about it
11 yesterday as well, but that's fine.

12 THE COURT: Okay.

13 MR. BRENNWALD: Okay.

14 (Pause)

15 THE COURT: I think we're still waiting on
16 Mr. Machado.

17 Oh, there he is. Okay.

18 MR. MACHADO: Thank you very much, Your Honor.

19 THE COURT: All right.

20 So, Mr. and Ms. Parker, I want to make sure that
21 you understand your rights to a speedy trial by statute.
22 You are entitled to a trial within 70 days of first
23 appearing in court. Do you understand that?

24 DEFENDANT BENNIE PARKER: Yes.

25 DEFENDANT SANDRA PARKER: Yes.

1 THE COURT: And in terms of how we go about
2 calculating that time, what your lawyers have discussed is
3 what we would exclude; that is, we won't count the days
4 between tomorrow and your next appearance in court on March
5 the 12th. Do you understand that?

6 DEFENDANT BENNIE PARKER: Yes.

7 DEFENDANT SANDRA PARKER: Yes.

8 THE COURT: And are you prepared to exclude that
9 time between tomorrow and your next appearance in court on
10 March the 12th?

11 DEFENDANT SANDRA PARKER: Yes.

12 THE COURT: Mr. Parker?

13 DEFENDANT BENNIE PARKER: Yes.

14 THE COURT: All right. Thank you, both.

15 So I will exclude time through March the 12th in
16 the -- I do find that the interests of justice outweigh the
17 interests of the defendant and the public in a speedy trial;
18 specifically, the exclusion of time is warranted to allow
19 the government -- afford the government time to deliver
20 discovery to the defense -- excuse me, to the defendants and
21 their counsel and for counsel to review the discovery with
22 their clients and begin to prepare a defense.

23 In addition, time is presently tolled under the
24 current standing order through March 15th due to COVID and
25 the difficulties associated with COVID; and for the reasons

1 in that standing order, I'll exclude time for those reasons
2 as well.

3 All right. So we'll all get back together on
4 March the 12th.

5 Ms. Rakoczy, the one thing you ought to think
6 about and consult with your co-counsel and, frankly, maybe
7 even defense counsel, is, in terms of speedy trial and
8 whether we ought to designate this case as a complex case
9 given the number of co-defendants that we have, we have,
10 I think, nine, and the volume of evidence that's involved in
11 this case, and that may help us a little bit here in terms
12 of speedy-trial time moving forward. So that's something we
13 can talk about when we're all together on the 12th, okay?

14 MS. RAKOCZY: Yes, Your Honor.

15 THE COURT: All right.

16 Anything else, Counsel?

17 MS. RAKOCZY: Your Honor, please.

18 COURTROOM DEPUTY: I'm sorry to interrupt,
19 Your Honor.

20 Pretrial notified me that we also need to have
21 conditions of release set in our court for the Parkers.

22 THE COURT: Okay.

23 So what does that mean in terms of -- were
24 conditions set by a magistrate or were they released on
25 their personal recognizance?

1 MS. RAKOCZY: Your Honor, the defendants -- the
2 government did request detention, but the defendants were
3 released and conditions were set by the Southern District of
4 Ohio.

5 But I believe this Court at this time would need
6 to enter new or parallel conditions of release, and the
7 government would be requesting that the Court adopt the
8 conditions that Pretrial sets forth in the pretrial reports
9 that were filed for each defendant earlier today.

10 THE COURT: Okay.

11 Ms. Schuck, can you -- I looked at those reports
12 quickly, but would you just put on the record what the
13 conditions are that Pretrial is requesting so that the
14 Parkers can hear them and their counsel can object to any
15 conditions, if they feel that's appropriate?

16 PRETRIAL SERVICES OFFICER: Yes, Your Honor.
17 Christine Schuck, Pretrial Services.

18 For Ms. Sandra Parker, Pretrial is requesting that
19 she be supervised by the Southern District -- U.S. Pretrial
20 and Probation Office for the Southern District of Ohio, the
21 Cincinnati office; that she not possess a passport; that she
22 not possess any firearms; she not use or illegally possess a
23 narcotic drug or other controlled substance, unless
24 prescribed by a medical practitioner; not travel outside the
25 Southern District of Ohio; and any travel outside the

1 continental United States is to approved by the Court;
2 report as soon as possible to the Pretrial Office and/or
3 supervising officer every contact with law enforcement
4 personnel, including arrests, questioning, or traffic stops;
5 and she is to maintain substance abuse treatment or
6 services, to include drug testing or referrals as directed
7 by the Pretrial Office; she is to report for a mental health
8 and substance abuse assessment; she is to stay out of the
9 District of Columbia except for court or Pretrial business;
10 she is to submit to any type of drug testing to include
11 random testing or however they want to do it in that
12 jurisdiction; she's to surrender any passports to U.S.
13 Pretrial Office for the Southern District of Ohio, which she
14 has already done; and to comply with any additional
15 conditions set forth by the Southern District of Ohio.

16 THE COURT: Okay.

17 And are you asking for the same or different
18 conditions for Mr. Parker?

19 PRETRIAL SERVICES OFFICER: Slightly different
20 conditions for Mr. Parker.

21 THE COURT: All right.

22 PRETRIAL SERVICES OFFICER: Mr. Parker, we are
23 asking for courtesy --

24 THE COURT: Hang on one second, Ms. Schuck.
25 Let me just deal with Ms. Parker first and see whether her

1 counsel objects to any of those requested conditions.

2 MR. MACHADO: Your Honor, no objection, although
3 in the list of being able to go to D.C., it includes court
4 and it also includes Pretrial Services. I'd ask that it
5 include also meeting with myself or part of my team.

6 THE COURT: Any objection to that, government
7 counsel, to allow Ms. Parker to travel to Washington to meet
8 with defense counsel?

9 MS. RAKOCZY: No, Your Honor. Thank you.

10 THE COURT: Okay.

11 So, Ms. Schuck, we'll make sure that the release
12 order makes clear that Ms. Parker may travel outside of the
13 Southern District of Ohio and travel to Washington, D.C. in
14 order to meet with her counsel.

15 PRETRIAL SERVICES OFFICER: Yes, Your Honor. I'll
16 notate it as that she's allowed to travel to the
17 District of Columbia for court, Pretrial business, or
18 meetings with her attorney.

19 THE COURT: Perfect.

20 All right. And then --

21 MR. MACHADO: No objection.

22 THE COURT: And then with respect to Mr. Parker.

23 PRETRIAL SERVICES OFFICER: Pretrial Services is
24 asking that he report weekly to the Pretrial Services for
25 the District of Columbia, weekly by phone, not to possess a

1 firearm, not to possess a passport; that his travel be
2 restricted to the Southern District of Ohio, and that any
3 travel outside the continental United States be approved by
4 the Court.

5 Again, he is to stay out of the
6 District of Columbia for court or Pretrial business. But
7 Pretrial Services also recognized that his assigned counsel
8 is here in the District of Columbia. So if the Court
9 wishes, Pretrial can make that similar designation that he
10 may also meet with his attorney here in the District of
11 Columbia.

12 THE COURT: Yeah, I'll ask you to make that
13 modification, Ms. Schuck, to allow Mr. Parker to travel to
14 meet with his counsel as well. I suspect if one is going to
15 be traveling to D.C. to the meet with a lawyer, then I
16 suspect the other will, too.

17 PRETRIAL SERVICES OFFICER: He is to surrender any
18 passports; he's not to illegally possess or use any narcotic
19 drugs, and he is also to report any contacts with law
20 enforcement to Pretrial Services.

21 THE COURT: Okay.

22 All right. Mr. Brennwald, any objection to those
23 conditions?

24 MR. BRENNWALD: No, Your Honor.

25 But I think what Mr. Machado was about to say

1 earlier is something I would say as well. I suspect what he
2 was going to say is that: Not only should they be allowed
3 to come here to meet with counsel but with anybody on the
4 defense team, defense investigators, things like that, in
5 case we're not available or we're in trial. So if we could
6 just add that modification.

7 MR. MACHADO: I join in that, yes.

8 THE COURT: All right.

9 Well, you know, I think that's fine.

10 I think the question, though, is I mean, what's
11 the likelihood of them traveling to D.C. and not meeting
12 with you as part of that?

13 MR. BRENNWALD: Not very likely, but, you know.

14 THE COURT: Let's put it this way: If -- let's
15 leave it at counsel in the order. If some reason arises
16 that they need to travel to D.C. to meet with an
17 investigator or someone who's not either of you, without
18 you, then you'll just let me know and I can issue an order
19 that authorizes that kind of travel, okay?

20 MR. MACHADO: Yep.

21 THE COURT: All right.

22 Okay. So, Mr. and Ms. Parker, the conditions that
23 were just stated here on the record, those will be the
24 conditions that you are subject to in terms of your pretrial
25 release. You shall abide by those conditions. And

1 obviously if you do not, your pretrial release could be
2 revoked.

3 So with that, then, is there anything else we
4 ought to talk about this afternoon?

5 MS. RAKOCZY: Nothing for the government,
6 Your Honor. Thank you.

7 MR. MACHADO: Not for Ms. Parker.

8 MR. BRENNWALD: Not for Mr. Parker.

9 THE COURT: Okay.

10 All right. Thank you, all. Stay safe, stay
11 healthy. We'll see everybody next Friday.

12 MR. MACHADO: Thank you, Your Honor.

13 MS. RAKOCZY: Thank you, Your Honor.

14 (Proceedings concluded at 3:04 p.m.)

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C E R T I F I C A T E

I, William P. Zaremba, RMR, CRR, certify that the foregoing is a correct transcript from the record of proceedings in the above-titled matter.

Please note: This hearing occurred during the COVID-19 pandemic and is therefore subject to the technological limitations of court reporting remotely.

Date: April 6, 2021 /S/ William P. Zaremba

William P. Zaremba, RMR, CRR

<p>COURTROOM DEPUTY: [9] 3/2 4/10 4/20 5/16 6/15 7/10 7/15 10/24 13/18 DEFENDANT BENNIE PARKER: [4] 8/8 11/24 12/6 12/13 DEFENDANT SANDRA PARKER: [4] 8/9 11/25 12/7 12/11 MR. BRENNWALD: [12] 4/2 5/20 6/11 7/20 8/1 9/12 10/8 11/9 11/13 17/24 18/13 19/8 MR. MACHADO: [16] 4/1 4/15 5/11 7/23 9/15 10/13 10/21 11/1 11/6 11/18 16/2 16/21 18/7 18/20 19/7 19/12 MS. 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