1	UNITED STATES DISTRICT AND BANKRUPTCY COURTS FOR THE DISTRICT OF COLUMBIA		
2		DISTRICT OF COLOTIDIA	
3	UNITED STATES OF AMERIC	A Criminal No. CR-21-28	
4	٧.	Washington, D.C.	
5	THOMAS E. CALDWELL,	June 1, 2021	
6	DONOVAN R. CROWL, JESSICA M. WATKINS,		
7	SANDRA R. PARKER, BENNIE A. PARKER,		
8	GRAYDON YOUNG, LAURA STEELE,		
9	KELLY MEGGS, CONNIE MEGGS,		
10	ROBERTO MINUTA, JOSHUA JAMES,		
11	WILLIAM ISSACS,	10.00	
12	Defendants.	10:00 a.m.	
13		OF STATUS CONFERENCE	
14	BEFORE THE HONORABLE AMIT P. MEHTA UNITED STATES DISTRICT JUDGE		
15	APPEARANCES:		
16		KATHRYN RAKOCZY, ESQUIRE	
17		AHMED BASET, ESQUIRE	
18		DAVID FISCHER, ESQUIRE	
19		CARMEN HERNANDEZ, ESQUIRE MICHELLE PETERSON, ESQUIRE	
20		JOHN MACHADO, ESQUIRE STEPHEN BRENNWALD, ESQUIRE	
21		DESIREE WILSON, ESQUIRE ROBERT FOLEY, ESQUIRE	
22		PETER COOPER, ESQUIRE DAVID WILSON, ESQUIRE	
23		MARY ANDERSON, ESQUIRE NINA GINSBURG, ESQUIRE	
24		JEFFREY ZIMMERMAN, ESQUIRE JENIFER WICKS, ESQUIRE	
25		JOAN ROBIN, ESQUIRE CHRISTOPHER LEIBIG, ESQUIRE	

1	CENE DOCCT ECOUTRE
	GENE ROSSI, ESQUIRE CHARLES GREENE, ESQUIRE
2	NATALIE NAPIERALA, ESQUIRE
3	
4	Court Reporter Lisa K. Bankins RMR FCRR RDR
5	United States District Court District of Columbia
6	333 Constitution Avenue, NW
7	Washington, D.C. 20001
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9	Proceedings recorded by mechanical stenography,
10	transcript produced by notereading.
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THE CLERK: Defendant Number 1, Thomas Edward Caldwell; Defendant Number 2, Donovan Ray Crowl; Defendant Number 3, Jessica Marie Watkins; Defendant Number 4, Sandra Ruth Parker; Defendant Number 5, Bennie Alvin Parker; Defendant 6, Graydon Young; Defendant 7, Laura Steele; Defendant 8, Kelly Meggs; Defendant 9, Connie Meggs; Defendant 11, Roberto Minuta; and Defendant 12, Joshua A. James; and Defendant 16, William Issacs. Kathryn Rakoczy will be speaking on behalf of

the government.

David Fischer for Defendant Number 1. Carmen Hernandez for Defendant Number 2. Michelle Peterson for Defendant Number 3. John Machado for Defendant Number 4. Stephen Brennwald for Defendant 5. Desiree Wilson and Robert Foley for Defendant 6. Peter Cooper for Defendant David Wilson for Defendant 8. Mary Anderson for Defendant 9. Jenifer Wicks for Defendant 11. Joan Robin and Christopher Leibig for Defendant 12. Gene Rossi, Charles Greene and Natalie Napierala for Defendant 16.

The named defendants are either appearing via video conference or teleconference.

We also have Christine Schuck and John Copes on behalf of Pretrial Services.

THE COURT: And, counsel, good morning to all of

you and good morning to each of the defendants, who are on either by video or by phone.

All right. We're here for a status hearing this morning. There's a fair amount to go through this morning. Let me just sort of give you all a preview of what I'd like to do and then obviously, if any individual counsel has issues they want to raise, they should do so.

I want to start with rearraigning those who need to be rearraigned or newly arraigned in the case of Mr. Issacs. We'll talk about the process of that in a moment. I want to try and do that as efficiently as we can.

I'm going to want to sort of move to discussing where things stand with discovery and discussion of the motion the government has filed to exclude time.

And then finally, a number of the individuals have matters concerning pretrial detention -- excuse me -- pretrial release and the conditions of pretrial release and we'll go through those. So that's sort of the general outline of what I want to do this morning.

So let's start with the arraignments. Here's what I propose we do. There are -- actually, the majority of the defendants have either had new charges added or charges deleted. There are a couple of exceptions and this is -- you know, we tried to go through this this

1 morning. This is between the third superseding indictment 2 and the fourth superseding indictment, which was unsealed 3 over the weekend. Let me just take a look. Ms. Steele, Ms. Meggs 4 and Mr. Minuta are the three defendants who have no new 5 charges added or counts deleted. And so unless counsel 6 for any of those defendants wishes to have that client 7 8 rearraigned, I don't intend to do so just because we have 9 a new superseding indictment. So let me just make sure 10 for those four -- those three defendants, counsel is okay 11 with not having them rearraigned. So this would be for 12 Laura Steele. So, Mr. Cooper? MR. COOPER: Your Honor, I'm fine with that. 13 14 don't need to be rearraigned. 15 THE COURT: Okay. For Ms. Meggs, so 16 Ms. Anderson? 17 MS. ANDERSON: Your Honor, we're fine with that. We don't need to be rearraigned. 18 THE COURT: Okay. And then Mr. Minuta. So Ms. 19 20 Wicks? 21 MS. WICKS: Likewise we don't need to be 22 rearraigned. 23 THE COURT: Okay. All right. So for the 24 remaining defendants, we're going to start first with 25 Mr. Issacs since he is brand new to the proceedings and

then we'll turn to the carryover defendants for whom there's either a count added or a count deleted. And what the courtroom deputy will do is simply refer to the carryover counts and not necessarily read out those charges, but however will identify the new count that's added and identify the offense for the new count that's added or identify it for the count that's been deleted.

There is one defendant and that's Mr. Caldwell who has at least one count that's substantively the same that's been sort of put somewhere else in the fourth superseding indictment and that will be flagged as well.

If we get any of this wrong, please let us know. We tried to get all this -- we tried to do a comparison of the third and fourth superseding indictments. So, Ms. Rakoczy, obviously, let me know if we have made a misstep and any particular defense counsel let us know if we've made a misstep.

So why don't we start with Mr. Issacs and Mr. Rossi? So I don't know where Mr. -- is Mr. Issacs on the screen or on the phone?

MR. ROSSI: Yes. Your Honor, Mr. Issacs is on the screen. Gene Rossi for Mr. Issacs. He is present by Zoom. I am here with my co-counsel, Natalie Napierala. We're both in the firm of Carlton Fields. My Florida co-counsel, Charles Greene, I'm not sure if he got on yet,

but on behalf of Mr. Issacs, we waive the reading; he 1 2 pleads not quilty; we ask for a jury trial. And my 3 arithmetic is not the best, but I think August 5th of this year is the speedy trial deadline and we would waive it 4 5 for a reasonable period, Your Honor. Mr. Rossi, let me -- if I could 6 THE COURT: 7 interrupt you because I'm going to -- at least 8 procedurally the way it operates here is we're going to 9 have the courtroom deputy sort of at least read off the 10 charges and then he'll ask you whether you waive a formal 11 reading. 12 MR. ROSSI: Oh, okay. I'm sorry, Your Honor. Ι 13 apologize. 14 THE COURT: Not a problem. 15 MR. ROSSI: I'm sorry. 16 THE COURT: So I'll turn to Mr. Douyon. Mr. 17 Issacs, I'm just going to ask you to listen to the 18 courtroom deputy who will recite the charges against you 19 and then we'll turn to your counsel. 20 Thank you, Your Honor. MR. ROSSI: 21 THE CLERK: May the record reflect that Mr. 22 Issacs through counsel has received a copy of the fourth 23 superseding indictment. Mr. William Issacs in Criminal 24 Case Number 21-28-16, you have been charged with the 25 following counts: Count One, conspiracy in violation of

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Title 18, United States Code, Section 371; Count Two, obstruction of an official proceeding and aiding and abetting in violation of Title 18, United States Code, Sections 1512(c)(2) and Section 2; Count Three, destruction of government property and aiding and abetting in violation of Title 18, United States Code, Sections 1361 and Section 2; Count Four, restricted building or grounds in violation of Title 18, United States Code, Section 1752(a)(1); Count Five, civil disorder and aiding and abetting in violation of Title 18, Sections 231(a)(3) and Section 2; and Count Six, civil disorder and aiding and abetting in violation of Title 18, United States Code, Sections 231(a)(3) and Section 2. Do you wish to waive the formal reading and how do you wish to plead? MR. ROSSI: We waive formal reading. We plead not quilty. We ask for a jury trial. And once again, my calculation is August 5th of this year for the speedy trial deadline and we would waive that for a reasonable period of time. THE COURT: All right. Thank you, Mr. Rossi. Okay. So let's go then to the top of the indictment and we'll start with Mr. Caldwell and as I said, what we're going to do is the courtroom deputy will simply refer to the carryover counts, not read those out,

but will identify specifically any counts that have been 1 2 added or deleted from the prior indictment or in the case 3 of Mr. Caldwell, that have been re-numbered. Mr. Douyon, and I'll just ask you to keep your 4 voice up a little bit. Your voice was a little faint. 5 6 THE CLERK: Sorry about that. Mr. Caldwell -- may the record reflect that the 7 8 defendant through counsel has received a copy of the 9 fourth superseding indictment. 10 Mr. Caldwell, you have been previously arraigned 11 on Counts One, Two -- I'm sorry -- Counts One, Two and 12 Four, which remain in the fourth superseding indictment. 13 Count Five is now Count Nine, which I will read to you and 14 I will read to you Count Three and Count Nine. 15 To be clear, Mr. Caldwell, Count THE COURT: 16 Three from the original indictment or from the third 17 superseding indictment has been dropped. So there's no need to read that. So Mr. Caldwell is now charged in 18 19 Counts One, Two, Four and Nine and what was Count Five is 20 now Count Nine. So we'll just make sure he's aware that 21 Count Five is -- previously what was Count Five is now 22 Count Nine. 23 THE CLERK: Your Honor, should I read Count Nine to Mr. Caldwell? 24 25 THE COURT: Mr. Fischer, would you like that

1 count read or are you comfortable moving forward without a 2 formal arraignment on the re-numbered count? 3 MR. FISCHER: Your Honor, respectfully, we're comfortable waiving or reading of the entire indictment. 4 5 THE COURT: Okay. And you're comfortable not having Count Nine -- the offense that's associated with 6 7 Count Nine officially announced to your client? 8 MR. FISCHER: Yes, Your Honor. There's no need 9 to do that. 10 THE COURT: All right. Let's then turn to 11 Mr. Crowl. 12 THE CLERK: Mr. Crowl, in the fourth superseding 13 indictment, you are now being charged with Count Six. You 14 have been previously arraigned with Counts One, Two, Three 15 and Four, which you have already been arraigned on and 16 which remain in the fourth superseding indictment. You 17 are now being charged with Count Six, which is civil disorder and aiding and abetting in violation of Title 18, 18 19 United States Code, Sections 231(a)(3) and Section 2. 20 Do you wish to waive a formal reading of the 21 fourth superseding indictment and how do you wish to 22 plead? 23 MS. HERNANDEZ: Your Honor, on behalf of 24 Mr. Crowl, who is on the conference by phone, he waives 25 formal reading of the indictment. I have emailed him a

1 copy of the indictment. He asserts his speedy trial 2 rights, his rights under the Fifth and Sixth Amendment not 3 to be questioned without his counsel present. He pleads not guilty and he demands a jury trial. 4 THE COURT: All right. Let's turn then to 5 Ms. Watkins and Ms. Peterson. 6 THE CLERK: Ms. Watkins, a fourth superseding 7 8 indictment charges you on Counts One, Two, Three, Four and 9 Six. You have been previously arraigned on Counts One, 10 Two, Three and Four. Count Six, you are being charged 11 with civil disorder and aiding and abetting in violation 12 of Title 18, United States Code, Sections 231(a)(3) and 13 Section 2. 14 Do you wish to waive a formal reading of the 15 fourth superseding indictment and how do you wish to 16 plead? 17 MS. PETERSON: On behalf of Ms. Watkins, we do 18 waive formal reading of the superseding indictment and 19 enter a plea of not guilty to all of the charges. 20 Thank you, Ms. Peterson. THE COURT: 21 Okay. For Mr. Parker, there is one fewer counts 22 and I'll just ask the courtroom deputy to announce what 23 the lesser count or the count that's been deleted against 24 Mr. Parker in the fourth superseding indictment. 25 THE CLERK: Mr. Bennie Parker, you are -- in the

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fourth superseding indictment, you are now charged with Counts One, Two and Four, which remain the same as they were when you were arraigned for the third superseding indictment. The deleted count is Count Three, which is obstruction of government property. Do you wish to waive the formal reading of the fourth superseding indictment and how do you wish to plead? MR. BRENNWALD: Your Honor, Stephen Brennwald for Mr. Parker. I don't think we really need to -- I think Mr. Parker was talking there. THE COURT: Mr. Brennwald, I understand that you are not asking to have the indictment formally read and your client is maintaining the same pleas he maintained --MR. BRENNWALD: That's exactly right. THE COURT: -- for the third superseding indictment. MR. BRENNWALD: Yes, Your Honor. That's right. THE COURT: All right. Let's turn then to Mr. Young and Ms. Wilson and Mr. Foley. THE CLERK: Mr. Graydon Young, the fourth superseding indictment charges you with Counts One, Two, Three, Four, Six and Ten. Counts One, Two, Three, Four and Six remain as they were in the third superseding indictment on which you were previously arraigned. Count

1 Ten is tampering with documents of proceedings in violation of Title 18, United States Code, Sections 2 3 1512(c)(1). Do you wish to waive the formal reading of the 4 5 fourth superseding indictment and how do you wish to 6 plead? MR. FOLEY: Good morning, Your Honor. Robert 7 8 Foley and Desiree Wilson on behalf of Mr. Young, who is 9 present via Zoom. At this time we would waive the formal 10 reading and plead not guilty as to all counts. 11 THE COURT: Thank you, counsel. 12 MS. RAKOCZY: Your Honor, I apologize for 13 I believe it's actually that Count Ten interrupting. 14 remains the same from the prior indictment. Count Six is 15 the new charge, which is the civil disorder charge. 16 THE COURT: Thank you, Ms. Rakoczy, for that. 17 So why don't we make sure that's corrected, Mr. Douyon? 18 So let's -- Count Ten was carryover from the prior 19 indictment. Is that right? 20 MS. RAKOCZY: Yes, Your Honor. I believe that 21 was formally Count Six. The new Count Six is the new 22 charge, the civil disorder 231 charge. 23 Okay. All right. So, Mr. Douyon, THE COURT: 24 let's make sure we rearraign on the new Count Six and just 25 note that the new Count Ten is a carryover from the prior

indictment. 1 2 THE CLERK: Okay. And I apologize for that 3 error, Your Honor. Mr. Young, you are being charged in the fourth 4 5 superseding indictment with Counts One, Two, Three, Four, Six and Ten and I will read to you Count Six and Ten. 6 Count Six is civil disorder and aiding and abetting in 7 8 violation of Title 18, United States Code, Sections 231(a)(3) and Section 2. And Count Ten is tampering with 9 10 documents of proceedings in violation of Title 18, United 11 States Code, Section 1512(c)(1). 12 How do you wish to plead and do you wish to 13 waive the formal reading? Robert Foley on behalf of Mr. Young. 14 MR. FOLEY: 15 We waive formal reading of all counts on the fourth 16 superseding indictment and plead not guilty as to all. 17 THE COURT: Thank you, Mr. Foley. 18 MR. FOLEY: Yes, sir. THE COURT: Okay. So let's then turn to 19 20 Mr. Meggs, for whom there's been a new count added. 21 Mr. Meggs, the fourth superseding THE CLERK: indictment adds Count Eleven, tampering with documents of 22 23 proceedings in violation of Title 18, United States Code, 24 Section 1512(c)(1). 25 How do you wish to plea on Counts One, Two,

1 Three, Four and Eleven and do you wish to waive the formal 2 reading of the superseding indictment? 3 MR. WILSON: Good morning, Your Honor. David Wilson on behalf of Mr. Meggs. We would waive formal 4 5 reading and enter a not guilty plea to all charges. 6 THE COURT: Thank you, Mr. Wilson. I was just reminded that I skipped over 7 8 Ms. Parker. So let's go back to Ms. Parker for whom an 9 additional count has been added. 10 THE CLERK: Ms. Parker, the fourth superseding 11 indictment charges you with Counts One, Two, Three, Four 12 and Six. Count Six is a new count. Count Six, you are 13 being charged with civil disorder and aiding and abetting 14 in violation of Title 18, United States Code, Sections 15 231(a)(3) and Section 2. 16 How do you wish to plea and do you waive the 17 formal reading of the superseding indictment? 18 MR. MACHADO: Yes. John Machado on behalf of 19 Sandra Parker. We were hoping that it wouldn't be 20 noticed, but I guess we need to deal with it. 21 We would again assert and re-assert or we enter 22 and re-enter pleas of not guilty in the charges as 23 appropriate. We would assert my client's Fifth and Sixth 24 Amendment rights including right to speedy trial. 25 would ask for a jury trial to be set and we will continue

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      to waive the speedy trial, although we will assert it, but
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      we'll temporarily -- I guess we'll deal with that later.
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      But we assert speedy trial rights overall.
                THE COURT: All right. Thank you, Mr. Machado.
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                All right. Let's move forward then. I think we
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      are -- we just -- we're up to Mr. Harrelson.
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                THE CLERK: And, Your Honor, Mr. Harrelson is
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      not present today.
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                THE COURT: I'm sorry. He's not present?
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                THE CLERK: He was not able to be scheduled with
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      the Northern Neck Regional Jail.
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                THE COURT: Oh, that's right. That's right.
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             I had forgotten that Mr. Harrelson, that we were
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      unable to -- just so the record is clear, Mr. Harrelson is
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      not present because we were unable to make a connection
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      with the facility where he's housed. And so we'll get
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      Mr. Harrelson re-arraigned and in for status on a
      different date.
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                All right. So that leaves us with Mr. James I
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      think is the last defendant with added counts. So let's
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      turn to Mr. James and Mr. Leibig.
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                MR. LEIBIG: Leibig. So Ms. Robin will be
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      handling it here.
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                THE COURT: Okay.
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                THE CLERK: Mr. James, the fourth superseding
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indictment charges you with Counts One, Two, Four, Seven, Eight and Thirteen. Counts One, Two and Four remain as they were in the third superseding indictment. Count Seven, you are being charged with civil disorder and aiding and abetting in violation of Title 18, United States Code, Sections 231(a)(3) and Section 2. Count Eight charges you with assaulting, resisting or impeding certain officers in violation of Title 18, United States Code, Section 111(a)(1). And Count Thirteen charges you with tampering with documents of proceedings in violation of Title 18, United States Code, Section 1512(c)(1). How do you wish to plea and do you waive the formal reading of the superseding indictment? MS. ROBIN: On behalf of Mr. James, Your Honor, we waive formal reading and he enters pleas of not guilty to all charges. THE COURT: Thank you, Ms. Robin. All right. I think that covers everybody. Rakoczy, have I missed anyone or missed any particular counts that's been added other than the one you corrected us on? MS. RAKOCZY: No, Your Honor. I believe that's Thank you. it. THE COURT: Okay. All right. So let's turn then to the next order of business which is where things

stand in the case. Obviously, there is a now fourth superseding indictment to which there were four additional defendants added. One is present, Mr. Issacs. Two I will understand are facing detention hearings in the coming days and the fourth has yet to be arrested.

So, Ms. Rakoczy, do you want to bring me up to speed in terms of where things stand with discovery and the government's view on where we go from here and what, if any, discussions -- and you don't need to talk about any individual discussions you've had, but where things stand with potential resolutions in this matter?

MS. RAKOCZY: Yes, Your Honor. Thank you. At this point in time, the government has provided a substantial amount of discovery to defense counsel. It is approximately one terabyte's worth of data that we have provided at this point in time. To be clear, a lot of that is the result of search warrants that were executed on electronic evidence. And so I think some 680 gigabytes of data comes from cell phone extractions. But there remains about 300 gigabytes of data that consists of substantive discovery in the form of subpoena returns, search warrant returns, FBI reports, memorializing interviews and other investigative steps. And so at this point in time, we have provided the bulk of the discoverable materials that are in our possession at this

time. There are some outstanding matters that we hope to provide in a few weeks.

There are also items of evidence that we continue to gather as the investigation proceeds because the investigation is ongoing. But we do believe that among the reports and the evidence gathered and the many, many gigabytes of surveillance video that has been provided from the U.S. Capitol and local hotels, that there is a substantial amount of discovery provided at this time that we hope will help defense counsel in assessing the case and discussing the case with their clients. And so that's the status of discovery at this point in time.

We have received some followup inquiries from certain defense counsel and we are trying to respond to those expeditiously. But we believe that we are in a decent position right now with respect to discovery.

We have begun informal plea negotiations with most of the defendants at least to kind of start the discussion. We've discussed parameters of what plea offers might look like and those are very preliminary discussions at this point in time. Nothing really very formal. But we are hoping that over the next month or two, if that's about how long we have before the next status, we are hoping to start to make plea offers and

hope that some defense counsel may consider those plea offers and defendants may consider those plea offers.

So at this point in time, given the voluminous amount of discovery materials, we suggest that it would be fruitful to postpone this matter for approximately 60 days and to toll the time -- to toll the speedy trial clock time during that period to allow defense counsel time to review these materials and discuss them with their clients and to allow government counsel to engage with defense counsel about possible resolution of these matters prior to trial.

THE COURT: Thank you for the summary, Ms.

Rakoczy. So can you give me more detail in terms of what's left so that I -- to leave aside for the moment, I understand the government's investigation is ongoing, but in terms of discovery or items that you still think you have and still need to produce, what falls into that category and what are we talking about in terms of volume and type of materials?

MS. RAKOCZY: Yes, Your Honor. There are a few search warrant returns that deal with electronic evidence that we have not to my knowledge pulled relevant evidence from yet. So we're still going through it. And so that consists of -- there are a few I-Cloud or Google account search warrant returns that we need to go through and get

to the defense. As I said, we have not relied on that evidence yet. But obviously, we want to go through it and provide it to defense counsel. It's just the volume of those materials that's made it a little bit difficult to easily convey it to defense counsel.

There are also -- we have not gone through and disclosed all body worn camera footage from various law enforcement officers who attended the Capitol that day and so we need to complete our review of that and make sure that we've provided the defense any relevant camera footage.

I think long term, you know, the United States
Attorney's Office may make the bulk of that footage
available to all defense counsel in all these Capitol
attack related cases. But we're focused right now
specifically on footage that captures these 16 defendants
and their actions that day and so we're trying to isolate
and find to provide to defense counsel all that footage.

We are also seeking to make sure we locate and go through and disclose to the defense any reports of statements or interviews given by various Capitol police and other law enforcement officers who were present at the Capitol that day. I know we've received some specific inquiries about that evidence from at least two of the defense counsel in this case and so we're trying to make

sure we get a handle on that very quickly. And those are some of the main items that come to mind.

There's obviously -- as the Court noted, there is an ongoing investigation. So we will continue to provide any subpoena returns or search warrants as they are obtained if they produce evidence that's discoverable. We also obviously will be providing Jencks and Giglio materials closer to a trial date. So those are materials that we have currently, but have not deemed discoverable at this time. And I think that's a pretty good summary of where we are going.

THE COURT: But in terms of Mr. Issacs, what's your estimate in terms of getting discovery out to him and his counsel?

MS. RAKOCZY: That should be something we can do this week. We'll speak with counsel offline. But we have the data. We just need to put it on a hard drive and FedEx it to Mr. Issacs' counsel.

THE COURT: Okay. All right. That's helpful.

Thank you, Ms. Rakoczy. Is there anything you want to add
to the conversation here this morning?

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

THE COURT: We'll talk about speedy trial in a moment and what to do about the government's motion. But let me turn now to defense counsel and I'll ask each of

you to address status and discovery from your perspective, where you stand on speedy trial. I know some of you have indicated your consent to an exclusion of 60 days, others have not had an opportunity to state their position on the record.

And then finally, if there's anything you'd like to add or raise that has to do with anything other than your client's pretrial status and then we'll get to that in a moment, I'd like you to raise that.

So as I said, anything regarding discovery, speedy trial or anything you'd like to raise other than pretrial status issues and then we'll figure out where we're going to go from here. So why don't we start at the top? We'll start with Mr. Fischer and Mr. Caldwell.

MR. FISCHER: Your Honor, as to Speedy Trial Act, we have no objection to the government's request. As to the status of discovery, I believe Ms. Rakoczy has accurately stated where discovery stands and we have no issues at this point. Thank you.

THE COURT: Okay. Ms. Hernandez on behalf of Mr. Crowl?

MS. HERNANDEZ: Good morning, Your Honor.

Discovery, we have some outstanding requests that we've made from the government. They've been responsive. But there are still outstanding requests.

I'm concerned about the superseding indictment and the speedy trial issues. My client is on -- has a little bit more freedom these days, but it's still a burden. My understanding from the government is that they are still not finished adding the defendants or counts. For example, the count that they added as to my client, they've had that information at least since March because it was referred to in one of the detention memos.

They have -- in the most recent superseding indictment, they have up to 20 persons that, you know, where they identify Person 1. They have up to Person 20. There's a lot of information in the superseding indictment allegedly said by Stuart Rhodes, who is Person 1 and the QRF people and they're not charged yet.

So my concern is we're at 60 defendants at this point. And if the government is going to be superseding every two months, I don't know where we end.

For that reason, I would ask the Court to also -- for that reason and also given the number of defendants, I would ask the Court to try to establish a trial date because it's going to be difficult for this many counsel to come up with a date when we're all available when there's a trial and I'd like to know that there's an end to the superseding indictments and I don't think that's going to happen until the Court establishes a

trial date. That's my only concern or my biggest concern 1 2 about where the case stands right now. At this point -- one last thing. At this point, 3 my client doesn't know the majority -- doesn't know -- he 4 had no contact or interaction with the majority of the 5 defendants in the case. 6 THE COURT: And, Ms. Hernandez, I hear you. 7 8 where do you stand on the government's request for the 9 60-day exclusion? 10 MS. HERNANDEZ: We're still receiving discovery. 11 I think with adding two -- adding defendants, the speedy 12 trial gets reset. So even though I would like to go 13 forward, I would like to assert my client's speedy trial 14 rights. I don't think I have any way to control that or I 15 don't think I can ask the Court to reject the government's 16 request for 60 days. 17 THE COURT: So you're not opposing the request. Is that correct? 18 MS. HERNANDEZ: I'm asserting my client's speedy 19 20 trial rights, Your Honor. I recognize that the Speedy 21 Trial Act doesn't give me too many rights when the 22 government adds defendants. 23 THE COURT: That may be, but I need a fairly 24 straightforward response. You're either consenting to the 25 60 days or you're opposing the 60 days. Which one is it?

1 MS. HERNANDEZ: I'm opposing the 60 days. 2 THE COURT: That's all I need to know. All 3 right. Thank you. Ms. Peterson, on behalf of Ms. Watkins? 4 5 MS. PETERSON: Your Honor, I don't have anything 6 to add with respect to discovery. We have made some 7 They are being fulfilled, which I trust the 8 government will continue to produce, especially the Brady 9 material that I believe exists. 10 We will for the record oppose the speedy trial 11 exclusion beyond 30 days because Ms. Watkins remains in 12 custody. We are anxious to get this matter resolved. But 13 we do consent to a 30-day exclusion. 14 THE COURT: Mr. Machado, on behalf of Ms. 15 Parker? 16 MR. MACHADO: Yes, Your Honor. Thank you. With 17 regard to the speedy trial, we have no objection to 18 tolling the clock for an additional 60 days. 19 With regard to discovery, I just -- something 20 that Ms. Rakoczy stated, I just wanted to be clear on it. 21 with regard to the body worn cameras from police officers, 22 they indicated they are going through it and it seemed 23 that they were doing some identification, but I am 24 suspecting or I am requesting that all body worn camera 25 footage involving the U.S. Capitol incident be provided to

us. It seemed like there was some mention of they are going through and seeing which ones involve our clients. I'm making a formal request for any and all body camera footage.

So if I misunderstood from Ms. Rakoczy, I apologize. But I want to make sure that my discovery request is clear that I'm expecting -- there may be Brady footage in there or something that may be helpful for the defense. So I'm asking for all the body worn camera only -- as opposed to only body worn camera that involves these defendants.

THE COURT: Ms. Rakoczy, can you just clarify what the government is producing, whether you are producing a limited universe of body worn camera that relates only to these defendants or a broader, a broader universe of that material?

MS. RAKOCZY: We have currently been focusing on identifying and providing the footage that shows what happened on January 6th with respect to these defendants. But long term, certainly for the reasons Mr. Machado identified, we are attempting to go through and provide all footage that could be discoverable.

I don't know that we would provide every single camera footage even if it showed that somebody's camera staring at the ground for an hour. I think we are going

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to try to provide the footage that is relevant including footage that might not show these defendants, but could be discoverable for other reasons. But I'm not certain at this time that we will provide all the footage. We might. I just don't know the answer to that. But we are certainly mindful of what Mr. Machado is talking about. that there could be footage that doesn't show these particular defendants, but still might be discoverable. And so I hope I answered the Court's questions. THE COURT: I think so. Okay. So Mr. Machado, does that help you out in terms of what you're requesting? That's fine. It sounds like -- if MR. MACHADO: there becomes an issue, then we'll raise it with the Court, but at this point we appreciate the volume they're going through. But and we also thank them for considering the other aspects of it as well. But realize that that takes a little longer. Thank you. THE COURT: All right. Let's turn to Mr. Brennwald on behalf of Mr. Bennie Parker. MR. BRENNWALD: Your Honor, no issues on discovery and we don't object to the 60-day exclusion of the speedy trial time. THE COURT: Okay. Ms. Wilson and Mr. Foley on behalf of Mr. Young? MR. FOLEY: Yes, Your Honor. We are having no

issues with respect to discovery. It is coming in. And we have no objection to the government's request for the tolling of the 60 days.

THE COURT: Okay. All right. Mr. Cooper, on behalf of Ms. Steele?

MR. COOPER: And, Your Honor, with respect to the 60 days, we don't have any objection to that.

with respect to discovery, discovery is coming in. It's being processed. We don't have any issues to raise with the Court at this point in time. We know the government understands its obligations with respect to Rule 16.

THE COURT: Mr. Wilson, on behalf of Mr. Meggs?

MR. WILSON: Good morning, Your Honor. With
respect to discovery, it's coming. I'm not aware of any
issues at this point. So we're okay with that.

With respect to the government's request for the speedy trial enlargement, we would object to that given my client's custody status. This goes back to the issues that we raised with respect to our objection to the first request, you know, adding counts, adding defendants, continuing investigation. So I think that Ms. Hernandez was correct, that her -- the reasons that she articulated to the Court. But we in fact would be in a position to object at this time.

1 THE COURT: Thank you, Mr. Wilson. 2 Ms. Anderson, on behalf of Ms. Meggs? 3 MS. ANDERSON: Yes. We don't have any objection to the 60-day continuance. Ms. Meggs is not in custody. 4 5 However, I have -- I did want to draw the Court's attention to the fact that I did file a motion to 6 7 modify her bond condition, part of which the Court --8 excuse me -- the government is not objecting to. I filed 9 that on the 28th of May. 10 THE COURT: We'll get to that in a moment. 11 want to try and deal with sort of all defendant issues 12 first and then we'll turn to the individual issues with 13 respect to -- that some of the defendants have. 14 MS. ANDERSON: Got it. We have no problems. 15 we're good with discovery. We're good. 16 THE COURT: Okay. All right. We'll skip over 17 Mr. Harrelson since he's not present. 18 Ms. Wicks, on behalf of Mr. Minuta? MS. WICKS: Thank you, Your Honor. On behalf of 19 20 Mr. Minuta, we would oppose the 60 days and I agree with 21 the representations by Ms. Hernandez. We would be 22 requesting a trial date since I think it's going to get 23 very hard to schedule with any -- even with a subset of 24 the attorneys in this case. 25 And so I mean I just think the more we do to

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push us to get to that point and just continuing to give the government increments of time when -- you know, as Ms. Hernandez said, the indictment doesn't really show for her client new information that they weren't aware of with the last superseding indictment. So I'm not quite sure where this will end if we just let it keep going. Anything further, Ms. Wicks? THE COURT: MS. WICKS: No. Thank you, Your Honor. THE COURT: Ms. Robin, on behalf of Mr. James? MS. ROBIN: Thank you, Your Honor. With respect to discovery, Your Honor, we are making our way through the discovery that's been provided. We do anticipate that there are additional body cam video footage that has not yet been I guess produced that is relevant to Mr. James. But as I said, we're still making our way through what we received. I just don't have any reason to believe that the government won't provide all relevant footage eventually. With respect to speedy trial, we don't have an objection to tolling for an additional 60 days. THE COURT: Okay. And then finally, Mr. Issacs -- excuse me -- Mr. Rossi on behalf of Mr. Issacs? MR. ROSSI: Your Honor, Gene Rossi for Mr. Issacs. We do not oppose the 60 days and we have no

concerns about discovery because I haven't gotten it yet, 1 2 but I'm sure the prosecutors will move with alacrity and 3 get it to me and my counsel this week. THE COURT: All right. Thank you, Mr. Rossi. 4 All right. So by my counts, I got one, two, 5 three, four defendants. It's Mr. Crowl, Ms. Peterson, 6 7 Ms. Watkins, Mr. Meggs and Mr. Minuta, who have opposed 8 the full 60-day extension request or exclusion request. 9 Ms. Peterson has I guess opposed that in part. 10 Let me ask, does any counsel want the 11 opportunity to respond in writing or are you content with 12 stating your objections on the record here this morning? 13 So let me start with Ms. Hernandez. 14 MS. HERNANDEZ: I'm okay with the objections on 15 the record, Your Honor. Thank you. 16 THE COURT: Ms. Peterson? 17 MS. PETERSON: As am I. 18 THE COURT: Mr. Wilson? 19 MR. WILSON: I concur with Ms. Hernandez. 20 THE COURT: Ms. Wicks? 21 MS. WICKS: Agreed. 22 THE COURT: So let me turn to Ms. Rakoczy and 23 let's figure out how we're going to do this, what thoughts 24 the government has about the trial in this case and what 25 it's going to look like.

You know, I have -- it may be that some defendants plead out. It may be that we see a fair number of defendants go to trial. It's hard to know at this point.

I don't know in the history of this courthouse whether we've had a 16-plus co-defendant case go to trial. I think what we have done in the past or I've done in the past with regard to conspiracy cases is divide up the case here, divide up the trials to more manageable numbers, certainly if for no other reason than the physical constraints of the Court.

But, Ms. Rakoczy, have you all given this some thought about how you'd like to proceed and what the government is anticipating in terms of trying this case?

MS. RAKOCZY: Yes, Your Honor. I think the Court is correct that it would be challenging to have a trial, certainly to have a trial with 16 defendants and I think we'll see what happens as plea negotiations continue. But it seems that there is a decent chance that, ultimately, we have a number of defendants that is still too large to try in one trial. And so for that reason, we do agree that there may be a point in time where we have to make some meaningful decisions about how to group the defendants into a couple of trials or more than two trials, depending on how many defendants would

like to proceed to trial in this case.

I think the challenging thing with setting a trial date now is that we don't know what that landscape will look like. And so the government would suggest that it is a little premature to set a trial date at this time, not knowing what's going to happen with plea negotiations in the next 30 to 60 days.

So from the government's perspective, we think it would make sense and be prudent to allow defense counsel at this time to continue going through materials, to allow the parties to engage in plea negotiations and to see where we are in 60 days and at that point in time we would be in a much better position to meaningfully discuss trial dates and what those trial dates might look like and whether there would be a need to group the defendants into different trials.

THE COURT: And let me ask defense counsel your -- and I should have perhaps asked you to address this when you each addressed me earlier. But we've got 16 defendants right now and I assume there will be motions coming once we set a motions date. So let me just see -- we'll do this by a show of hands -- I think it's probably the easiest way to do this -- in terms of defense counsel and your intentions to file motions and these do not include motions in limine. Motions in limine I put in a

different category. But any motions that would challenge the legal validity of any charge against your client, motions concerning severance, motions to suppress evidence and similar motions. So just by a show of hands, how many of you at least at this point anticipate filing some motions that would fall into that category?

All right. It looks like we've got some unanimity among a group of 16 defense lawyers.

Okay. So I think what I'd like to do at a minimum is to at least set a motions schedule today. You know, I think it's -- regardless of where things stand in terms of pleas and the like, we could at least get started with filing motions and figuring out what the shape of this case is going to be and, you know, whether we're going to have defendants who get severed out for whatever reason or we have counts dropped out for whatever reason, et cetera, et cetera. So I think we ought to at least at a minimum set that schedule today.

So what about motions filed in 30 days by defense counsel? Mr. Rossi, that may -- you may need to be on a slightly different schedule, but let me at least ask those who are all -- everybody other than Mr. Rossi, why don't we set 30 days for any opening motions by defendants? So as I said, we'll spell this out in the order. But that includes any motions to dismiss any

counts in the indictment, motions to sever either defendants or counts, motion with respect to suppression of evidence, motion that asks to transfer venue.

Essentially, any motions with Rule 12 type motions other than -- certainly, all Rule 12 motions, but basically in this basket of motions would be anything other than motion in limine to which we'll set a date later in time. So we'll set that for 30 days. So that will be July 1 for defense motions.

We'll give the government -- we'll give 28 days to file opposition I think given the number of motions that are likely to be filed. You know, I think the government is going to need -- it's reasonable to give the government four weeks to file opposition. So those will be due on July 29th. And then we'll look for any replies that wish to be filed by August 19th.

We will see at that point where we are in terms of kinds of motions that get filed and what we need to do in terms of hearings, whether we have a need for evidentiary hearings, if anybody is filing motions to suppress evidence and whether that's going to involve an evidentiary hearing or not. We'll just have to see what folks file and make that determination.

Insofar as having oral arguments, again I'm just going to have to wait and see what gets filed, whether

we'll need oral argument on any of the motions. Set it out until the briefings have been completed.

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So here is what I'm prepared to do on speedy I think I will -- I'm going to grant the motion insofar as requesting 30 days. So I am going to exclude time for 30 days. I do think the exclusion of time is warranted for that additional period of time. I'm not yet prepared to do another 60 days. I do think it's useful to -- not simply useful, but I do think it's in the interest of justice. And that interest outweighs the interest of the defendants and the public and the speedy trial to exclude the 30 days. Specifically, exclusion of that time is warranted it seems to me, one, to allow the government to complete discovery that is still outstanding. As Ms. Rakoczy has identified, there are some electronic evidence that needs to be reviewed and disclosed, all the other body worn camera footage. You know, given the complexity of the case and the number of defendants, the exclusion of an additional 30 days which would give us a total of 90 days exclusion seems certainly reasonable to me.

Secondly, the exclusion time is warranted to ensure that defense counsel have all discovery and have had an opportunity to review that discovery and discuss it with their clients.

And then finally, I think the exclusion of time is warranted -- I shouldn't say finally -- thirdly, the exclusion of time is warranted in order to give the government and the individual defendants an opportunity and time to resolve these matters or resolve this matter. The government as it's indicated is in the early stages of having discussions with defense counsel. I think the exclusion of time to allow those discussions to continue for an additional 30 days is warranted.

And then finally, under the current standing order, the exclusion of time due to COVID and the pandemic and the difficulties associated with holding trial during the pandemic as set forth in the chief judge's standing order, for those reasons as well I think the exclusion of time is warranted for 30 days.

So that will put us at July 1 for our next -- actually, is everybody available on July the 2nd for our next continued status hearing at 11 a.m.? Or let me put it differently. Is there anybody that cannot make, that absolutely cannot make --

MS. PETERSON: Your Honor, I assume that will be by Zoom as well?

THE COURT: Yes. It will be by Zoom.

Obviously, any defendants, that is, the defendants can appear remotely. To those who are out of town, you do not

1 need to appear in person nor do counsel need to appear in 2 person. 3 So July 2nd at 11 a.m. Anybody with an intractable or irresolvable conflict on that date and 4 5 time? 6 (No response.) THE COURT: Okay. Hearing none, then that's 7 8 when we'll set our next status hearing. By then, we will 9 have all the defense motions that have come in. So I at 10 least will have had an opportunity to at least eye ball 11 those and get a sense of where things are --12 MR. ROSSI: Your Honor --13 THE COURT: Hang on a second, Mr. Rossi. 14 MR. ROSSI: Okay. 15 THE COURT: And so we'll have an opportunity at 16 least to discuss possibly setting a trial date, or likely 17 probably setting a trial date on the 2nd of July in light of what motions have been filed. 18 19 Yes, Mr. Rossi? 20 MR. ROSSI: Your Honor, I just want to make 21 clear because Mr. Issacs' trial team has not yet received discovery, I assume and I want to make it clear Your Honor 22 23 excluded us from that deadline for filing motions? 24 THE COURT: Yes. 25 MR. ROSSI: Thank you, Your Honor. Thank you.

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THE COURT: You know, that doesn't foreclose you from filing on the 2nd and proceeding on the 1st, Mr. Rossi. But you and the other defendants who have just been added to the case, we'll put you on a different schedule. MR. ROSSI: Thank you, Your Honor. THE COURT: But ultimately, they need to put you on a different trial track altogether. Okay. Those are based on my -- at least on my agenda, those are the global issues. That is everything that affects each defendant in the case. Is there anything else that anybody wants to raise that affects everyone? If not, those who do not have any outstanding issues can sign off. But let me just ask, go around and see if anybody else has anything else they want to raise that affects all of the defendants and all of the parties? MS. HERNANDEZ: Your Honor, Carmen Hernandez. Just wanted to clarify something on the plea offers. The last conversation I had with the government was no plea offers were available unless the defendant came in to

proffer. I just wasn't sure whether the government's presentation today changes that position or whether we're still on the plea offer is dependent on a proffer.

THE COURT: Ms. Rakoczy, I leave that to you to address that if you'd like.

MS. RAKOCZY: I think that Ms. Hernandez and I need to speak separately because I think that there may have been a misunderstanding about exactly what the nature of our negotiations were. I don't think that's accurate. I don't think that Mr. Crowl needs to come in and speak to us before he will be given a plea offer. I do think we had some discussions generally about a conversation of whether Mr. Crowl will be giving a proffer. But I think Ms. Hernandez has overstated the government's position.

THE COURT: Anyone else?

MS. ROBIN: Your Honor, on behalf of Mr. James, who apart from the most recently added defendants, Mr. James was the last one to be added prior to this fourth superseding indictment. So we are a little bit behind some of the other defense teams in terms of opportunity to assess and review the discovery.

And so my question is will there be -- if a defense counsel is not able to get all of the motions filed within the next 30 days, will there be a second round of motions that the Court anticipates or is the 30 days kind of a hard and fast deadline?

The problem is we haven't made it through all of the discovery and it is a terabyte of discovery and we had a few weeks less than some of the other defense teams to sort through.

1 THE COURT: Sure. I think I will say the 2 following which is I recognize that, you know, Mr. James 3 is sort of along with Mr. Minuta were two later additions. I'd like you to stick with the 30 days. If you 4 need an extension of time to file a motion -- these 5 motions that I'm contemplating being filed on the 30th 6 day, 30 days from today are of the variety that you may 7 8 not need to have gone through all the discovery. 9 are sort of, you know, global challenges to the indictment 10 or counts, the structure of the indictment, who is in the 11 indictment, those type of motions and it seems to me that 12 we may not -- you know, I recognize that some motions may 13 require a review of the discovery and a reference to 14 discovery. But hopefully, the motions that we are talking 15 about include a potential venue motion, those ought not to 16 necessarily involve a complete and thorough review of 17 every single terabyte of information or gigabyte of information that's provided. 18 19 As I said, you've got 30 days. If anybody needs 20 more time, file the motion for more time. And assuming 21 you've got grounds for more time, I will likely grant it. 22 Okay? 23 MS. ROBIN: Thank you, Your Honor. 24 THE COURT: Great. Anyone else on global 25 issues?

1 (No response.)

THE COURT: Okay. So here are the defendants that I have listed who have individual matters to raise and discuss. Ms. Steele, Mr. James, Mr. Crowl and Ms. Meggs and Mr. Caldwell. Am I missing anyone? Those are the five defendants that I have that issues have been raised either by motion or something is in the pretrial report concerning conditions of release. Okay.

MS. HERNANDEZ: Your Honor, I don't think Mr. Crowl has an outstanding pretrial issue.

THE COURT: There is an issue that's raised in his report. I mean it's a small one. It's not a big deal, but I wanted to make sure that it's addressed.

All right. So unless everyone other than

Ms. Steele and Mr. James, Mr. Crowl and Ms. Meggs,

Mr. Caldwell and their counsel, you are free to leave and
log out if you wish. Anything that gets discussed here
forward is only going to have to do with conditions of
release or specific motions that have been filed, all of
which relate to conditions of release. So --

MS. PETERSON: Your Honor, if I can ask for the Court's indulgence to have my client, Ms. Watkins, continue to a breakout room? There's one matter I need to go over with her. Is that possible?

THE COURT: Well, I think there's two issues.

One is -- I'm not sure it's -- let's put it this way. 1 2 guess we can do it, but it looks like Mr. Meggs is seated 3 right next to Ms. Watkins. So --MS. PETERSON: But I believe his matters are 4 So I suspect he can return and then Ms. Meggs can 5 6 remain where she is. I'm sorry. Ms. Watkins can remain where she is and I can have --7 8 THE COURT: Well, if Mr. Meggs can be -- he's 9 done. And so if you can -- if you want to put them in a 10 breakout room, we can certainly do that then obviously 11 until Mr. Meggs leaves. 12 MS. PETERSON: Thank you. 13 THE CLERK: And, Your Honor, I also wanted to 14 note that I believe we have to -- and pretrial can correct 15 me if I'm wrong, but I believe we have to put Mr. Issacs on pretrial conditions in our court. 16 17 THE COURT: Oh, all right. 18 MR. ROSSI: Your Honor, may I address that real 19 quickly? 20 THE COURT: Hang on for a second. He was 21 released on conditions by the magistrate. 22 THE CLERK: That is correct. 23 MR. ROSSI: In Orlando -- Your Honor, Gene Rossi 24 for Mr. Issacs. In Orlando, the magistrate released him 25 on conditions. I would just ask Your Honor to just impose

the same conditions and adopt the conditions in Orlando. 1 2 THE COURT: Mr. Rossi, why don't you hang on for 3 a moment? We'll keep you and Mr. Issacs in the group of 4 people that should hang on. 5 So everyone else, you are free to log off so 6 other than Ms. Steele and Mr. James, Mr. Crowl and Ms. 7 Meggs, Mr. Caldwell and Mr. Issacs. 8 Okay. All right. Looks like we've got people 9 logging off. All right. So let's start with Mr. Issacs. 10 Is pretrial on? You asked whether he had conditions of release? Where did Mr. Isaacs go? I don't see him 11 12 anvmore. Mr. Issacs is there. Where is your lawyer? Right next to you. Crazy shuffling of 13 there he is. 14 Hollywood Squares. It's hard to figure out. 15 It was a great show, Your Honor. MR. ROSSI: 16 THE COURT: All right. Mr. Rossi, let me ask. 17 Pretrial is on. And what additional conditions or 18 modifications are pretrial requesting if any from those 19 that were imposed by the magistrate in Orlando? 20 THE CLERK: Mr. Copes, are you still on the 21 line? 22 MR. COPES: Yes. John Copes. Pretrial 23 Services. 24 THE COURT: Hello, Mr. Copes. So, Mr. Issacs. 25 are you asking for any change in the conditions or

additional conditions? Are you asking for any change in 1 2 conditions or new conditions other than those that were 3 imposed by the magistrate in Orlando? 4 MR. COPES: No, Your Honor. 5 THE COURT: All right. So, Mr. Issacs, 6 conditions will remain, those that were imposed by the 7 magistrate judge in Orlando. And with that, Mr. Rossi, 8 you and Mr. Issacs are welcome to leave the Zoom 9 conference. 10 MR. ROSSI: Okay. Judge, we'll leave the Hollywood Squares. Thank you, Your Honor. 11 12 MR. GREENE: Thank you, Your Honor. 13 MS. NAPIERALA: Thank you, Your Honor. 14 THE COURT: Okay. Let's turn first to 15 Ms. Steele and Mr. Cooper. There was a request to monitor 16 her via a landline instead of GPS because of difficulties 17 with cell service given where she is. Government counsel, 18 any objection to that modification? 19 MS. RAKOCZY: No, Your Honor. Thank you. 20 THE COURT: All right. So Ms. Steele's 21 conditions of release will be modified to permit that she 22 be monitored by landline instead of GPS. Otherwise all 23 conditions will remain the same. Anything else, 24 Mr. Cooper, on that point? 25 MR. COOPER: No, Your Honor. Thank you.

1 THE COURT: All right. Thank you. So 2 Ms. Steele and Mr. Cooper are free to leave. 3 Mr. James, the request was made in the pretrial services report to move him to home detention so that 4 pretrial doesn't have to alert the Court for medical 5 appointments. 6 It's not clear to me and maybe this is just a 7 8 matter of how things are done differently in different 9 districts or maybe it's my own conditions. 10 Mr. James, for those reasons that he's been accepted to 11 leave his home, he doesn't need permission from the Court. 12 He simply needs to just notify the pretrial services in 13 the district to which he is reporting in advance of that. 14 So he doesn't need to get permission from the Court for that purpose. 15 16 Mr. Copes, is that sufficient for the purposes 17 or the concerns that were raised by the district in Alabama? 18 MS. SCHUCK: Good morning, Your Honor. This is 19 20 Christine Schuck with Pretrial. I'm actually the assigned 21 officer with handling Mr. James. 22 THE COURT: Okay. 23 MS. SCHUCK: In the district of Alabama, they 24 are requesting the home detention provision because under 25 home incarceration, he is not allowed to leave for medical

appointments unless he comes to the court for every 1 2 medical appointment. So yes. We are just asking that he 3 be moved to home detention and then the Court can specify in its minute order that he may only leave for the 4 5 purposes of medical appointments. Well, I'm happy to do that, move him 6 THE COURT: 7 to home detention if that works, if that's what they are 8 I think in the past, we have allowed folks requesting. 9 even on home confinement to leave for medical/legal visits 10 and other court approved matters. But we'll change the 11 wording of what he's required of his conditions and make 12 clear what he is permitted to leave for and he'll need 13 simply to notify pretrial services. 14 MS. SCHUCK: Thank you, Your Honor. 15 THE COURT: Okay. 16 MS. SCHUCK: We learned through the other 17 offices that the national -- under the national standard. home incarceration just does not allow for medical 18 19 appointments. In order for that to take place, they have 20 to be on home detention. 21 THE COURT: Okay. All right. Okay. So we'll 22 make that modification for Mr. James. Anything else for 23 Mr. James? 24 MS. ROBIN: Not at this time, Your Honor. Thank 25 you.

1 THE COURT: All right. Thank you, all. 2 Mr. James and your counsel, you are free to leave. 3 Okay. Mr. Crowl, there was in his pretrial, in 4 the compliance report, there was just a notation that 5 there was a contempt citation issued in Champagne County, 6 Champagne County in Ohio back on February 8, 2021. Ms 7 Hernandez, I just want to make sure you saw that and 8 Mr. Crowl ought to get that resolved --9 MS. HERNANDEZ: Sorry, Your Honor. I hadn't seen the report that was entered this morning. It's for a 10 traffic citation matter that he had some payments to make 11 12 and he hadn't been able to because he had been on home 13 incarceration. But we're going to take care of it. 14 has to appear in court in order to take care of it. 15 That's fine. And obviously, if he's THE COURT: 16 got court obligations, state court, he is -- that's a 17 valid reason for him to be outside. 18 MS. HERNANDEZ: Thank you, Your Honor. THE COURT: All right. So, Mr. Crowl and Ms. 19 20 Hernandez, you are free to go. 21 All right. That leaves Ms. Meggs and Mr. Caldwell, both of whom had filed motions. Let's start 22 23 with Ms. Meggs. I mean, first, I have sort of two motions 24 I want to take up with Ms. Meggs and the first concerns 25 her change in counsel and I just want to talk about that

with her and make sure that she is -- that she assents essentially to the change in counsel. I know Ms. Anderson has entered her appearance. But let me just make sure for the record that Ms. Meggs approves of that.

Ms. Meggs, we had talked about in your last hearing there was a concern that you and your husband were represented both by Mr. Wilson. The government raised a concern about that. I had a concern about it. In the interim, what we did is we appointed two lawyers to serve as what we call conference counsel. Those lawyers spoke with you. They talked to you I think within the last 60 days. They spoke with Ms. Anderson. They spoke with Mr. Wilson. I know they spoke with government counsel.

Part of that discussion what was discussed was the possibility that Ms. Anderson would represent -- that you would no longer be represented by Mr. Wilson and that you would be represented by Ms. Anderson individually. And that's at least Ms. Anderson has entered her appearance for that purpose. But I just wanted to make sure for the record so that there is no doubt that that is an acceptable arrangement for you, that you are satisfied to be represented separately by Ms. Anderson, you will no longer be represented jointly with your husband by Mr. Wilson.

DEFENDANT MEGGS: Your Honor, I love her. She

is wonderful and I thank you for everything you did for 1 2 I appreciate that, sir. making that happen. 3 THE COURT: All right. You are welcome, Ms. All right. So let's talk about your conditions of 4 Meaas. 5 release. There was a motion filed to reduce Ms. Meggs' detention status to home detention. That would permit her 6 7 to work. Alternatively, to amend the conditions to expand 8 the footprint to include the perimeter of her home. The 9 government doesn't oppose the latter modification, but it 10 does oppose the former. 11 Mr. Wilson, can you tell me in terms of 12 employment, what your thinking is and your client's 13 thinking about employment, her financial circumstances? 14 Judge, I no longer represent MR. WILSON: 15 Ms. Meggs. 16 THE COURT: I'm sorry. 17 MR. WILSON: And the confusion is because she is 18 in my office as a courtesy to Ms. Anderson because of the 19 proximity of their respective offices. I'm much closer. 20 So that it's just easier for Ms. Meggs to be on the Zoom 21 here as opposed to --22 THE COURT: No, no, no. I completely 23 understand. I figured as much and I was just going from 24 muscle memory. So --25 MR. WILSON: I just suspect that, judge.

MS. ANDERSON: Your Honor, and the -- just so you know that I don't think I've ever had a client here on home incarceration. That's just how they do it. What's interesting is that they really mean home incarceration. It is literally you cannot step out of your doorstep. So that's where she's been and she lives on this five-acre property and so that's one of the requests that the government is not opposing. That they just set the boundaries of the GPS so that she can move about her property and the government doesn't have a problem with that.

But also Ms. Meggs would like to seek some sort of part-time employment like waitressing or to be a server or something like that. I don't think that she's found any -- been able to look for it, but just some sort of part-time employment. Pretrial services -- she was on the regular home detention which I think is the middle box would be able to just approve that and monitor that. So that's what she's wanting to do. And they would have to approve any choice that she made.

THE COURT: Government counsel, opposition to that amendment?

MS. RAKOCZY: Your Honor, I think that there's just been some confusion back and forth in talking about what the true difference is between home incarceration and

home confinement. The government's concern here -- as the Court knows, we asked for all these defendants to be detained and so obviously, we believe there is a threat to the community and so we are reluctant to keep stepping down conditions of release, worried that we might ultimately get to unfettered movements by these defendants.

what we do not oppose is any of these defendants attending necessary medical appointments and we do not oppose individuals seeking or going to employment. We think that those -- under the circumstances, it's in the best interest of the community to allow Ms. Meggs or Mr. James, for example, to attend those appointments or interviews or employment. But we do not believe we should step any of these defendants down to just unrestricted movements with GPS monitoring. And so that's where the government's concerns lie.

And so if the release order were to be modified to home confinement with a limited set of activities that would be permitted such as a job interview, medical appointments and I think there are some religious services that we agreed that Ms. Meggs should be allowed to attend, we would not oppose that. What we would oppose is unrestricted movements with just GPS monitoring.

THE COURT: Well, it sounds like then that there

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really isn't much in the way of daylight between the two My orders with respect to those defendants that have been released and placed on conditions of home confinement were quite restrictive and obviously, with some exceptions. Those exceptions always included medical/legal visits, pretrial obligations or meetings with counsel. It did not permit employment. So anybody who -- right now it's I believe Mr. James is not permitted I may be wrong. But we may need to take a look to work. at that. And we may need to go back and take a look at some of the conditions that are imposed because if the government is not imposing employment, I think that affects more than just Ms. Meggs. So and I don't know whether the government is not opposing that just for her or across the board.

MS. RAKOCZY: I think we might want the opportunity to respond on a case-by-case basis.

THE COURT: Well, that's fine. And so, you know, we'll take the government's position then with respect to Ms. Meggs. We'll grant the motion. We'll step Ms. Meggs down to home detention and we'll do two things. One, we'll allow her to be on home detention. We'll allow her to leave the house for a variety of reasons including -- do you have the list, the standard list of home detention, approvals for release?

1 MS. SCHUCK: Your Honor, Christine Schuck, 2 Pretrial Services. Home detention allows for movements 3 for employment, education, religious services, medical, substance abuse and mental health or treatment along with 4 5 attorney visits, court appearances, court-ordered obligations and other activities approved in advance by 6 the pretrial services officer or supervision officer. 7 8 THE COURT: Okay. So there you go. So those 9 will be the expanded exceptions for her to leave. We'll 10 also expand the perimeter to -- of when she is at home to 11 include the parameter of her property. So she'll have the 12 opportunity to actually leave the confines of the actual physical home itself. Okay. So I think -- does that take 13 14 care, Ms. Anderson, of your motion and how you'd like the conditions modified? 15 16 It does, Your Honor. Thank you. MS. ANDERSON: 17 THE COURT: All right. So we'll make sure that that's reflected in a minute order so that the folks in 18 19 Florida know that we've adjusted her conditions. Okay. 20 So I think Mr. Wilson and Ms. Anderson, you are welcome to 21 sign off along with Ms. Meggs. And that leaves us with 22 Mr. Caldwell. 23 MR. WILSON: Thank you, judge. 24 MS. ANDERSON: Thank you, judge. 25 THE COURT: Okay. Mr. Caldwell, I see

Mr. Caldwell there in the background, Mr. Fischer. All right. So there's been a request made by the pretrial services folks in the I think it's in the Western District of Virginia to modify his conditions from the current what is essentially a home confinement with exceptions.

Mr. Caldwell has had need to leave the house for a number of those exceptions. To sort of step that down and impose a curfew. And the government has opposed that.

So I'm happy to hear further from either party if you want to be heard. And that includes pretrial services if pretrial services wants to add anything.

MR. FISCHER: So, Your Honor, on behalf of Mr. Caldwell, David Fischer. Your Honor, at this point I would just point out that the request that we're making, if the Court granted the request, Mr. Caldwell already effectively, he already has 80% of what we requested because he's in an unusual position. He has a number of medical appointments which have been backloaded. What I mean by that is when he was originally released in March, he had to quarantine for 14 days and many of his medical appointments didn't take place for a month or so because he had to make the appointments.

So the number of times he's been leaving his home with approval has greatly increased over the past month. He's already left his house with approval. I

think today he was at my office. He's up to almost I believe 28 or 29 times he's left his house with approval and hasn't had a single issue yet.

Your Honor, the number of times he will have to be released is going to be -- is going to increase because, number one, discovery is so voluminous, he will have to come to my office at least twice a week and maybe three times a week over the next month, two months. His medical visits are going to increase because it looks like he will need another back fusion surgery. So he's going to need a number of consultations with his orthopedic doctor and his orthopedist has prescribed physical therapy visits, which they're in the process of setting more appointments.

So, Your Honor, effectively, it would not be -with church visits and other approved visits, Mr. Caldwell
will likely be out of his home 28 out of 30 days each
month and those are for extended period of times. To get
to my office which is just outside of Baltimore, it's
almost a two-and-a-half hour ride depending on how traffic
is. It can be longer. It can be a little shorter. So
effectively, he's unofficially been on a curfew because of
the issues that he has.

I would point out that he's obviously followed the Court's order a hundred percent and these were very

restrictive conditions. He can still be monitored by GPS. 1 2 Ms. Moorehead, the Officer Moorehead of pretrial services 3 indicated they can still monitor him via GPS. I'd also point out, Your Honor, that the newest 4 indictment drops a count against Mr. Caldwell. That's not 5 an insignificant issue. So there is less exposure. 6 So, Your Honor, I don't believe he's a danger. 7 8 I'd also point out his wife travels with him practically 9 everywhere. Mr. Caldwell rarely drives because he's 10 typically consuming a lot of pain medication and he 11 believes it's just appropriate not to drive to most 12 places. So effectively, Mrs. Caldwell can be the eyes and 13 ears of the court. 14 So we'd ask the Court to consider -- I actually 15 was going to file this motion anyway before I was 16 contacted by pretrial services. So they contacted me out 17 of the blue and strongly suggested that I file this 18 motion. So, Your Honor, I ask the Court to grant the 19 20 relief and allow Mr. Caldwell to just be simply be placed 21 on a curfew. All other conditions remaining the same and 22 that he be accompanied by Mrs. Caldwell whenever he leaves 23 the property. Thank you, Your Honor. 24 THE COURT: Ms. Rakoczy, government counsel? 25 MS. RAKOCZY: Thank you, Your Honor. I think

our concern is that this request seems to go further than is necessary to achieve the goals here. We have no opposition to Mr. Caldwell attending his medical appointments and visiting with Mr. Fischer. But we are concerned about stepping him down to a level where he has only a curfew and that he has unfettered movements throughout his area. We think that there should be supervision and that he should be have to account for his whereabouts. And beyond just medical -- necessary medical appointments and legal visits, we don't think that it's safe for the community for him to be allowed to go wherever he wants whenever he wants.

THE COURT: Ms. Schuck, can I ask you or

Mr. Copes, I'm not sure which of the two of you are on for

Mr. Caldwell?

MS. SCHUCK: Good morning, Your Honor.
Christine Schuck, Pretrial Services.

THE COURT: What's the concern in terms of the burden that's being placed upon pretrial services in the Western District? Is there a way we can alleviate -- I mean, look, let me just tell you what my concern is because it's two-fold. One is the government's opposition has introduced some new evidence that suggests that Mr. Caldwell in fact did bring a weapon to Northern Virginia, left that weapon at the hotel as part of the

Quick Reaction Force. And so that is -- I think there was -- if memory serves, it's been a few months, but I think the government contemplated that that evidence or contemplated that possibility that the actual photographs of it are new. Is that right, Ms. Rakoczy? I don't think that was presented --

MS. RAKOCZY: Yes, Your Honor. The surveillance video photographs were not presented with our initial detention request.

THE COURT: So you will have in some respects additional evidence that ought to give anybody some concern. But I want to be, you know, mindful about what is being asked and the burden that we are placing on pretrial in the Western District. Ms. Schuck?

MS. SCHUCK: I just communicated with

Ms. Valentine-Lewis, who was the assigned officer in our
office and she was not aware that the Eastern District of
Virginia had reached out to defense counsel. So we are
not aware of this request from the Eastern District of
Virginia. Pretrial Services for the District of Columbia
does not request or recommend lower levels of supervision.
And moving Mr. Caldwell from home detention to a curfew
would be a lower level of supervision. So D.C. Pretrial
Services' position is no change in conditions.

THE COURT: Okay.

1 MS. SCHUCK: We cannot speak to what the Eastern 2 District of Virginia has represented to defense counsel 3 because we were not made aware of it. THE COURT: Is he in the Eastern District, is 4 it, or the Western District? 5 6 MS. RAKOCZY: Western. MS. SCHUCK: Western. Okay. I'm seeing a 7 8 couple of different notations. So I apologize if it is the Western District. But the district conducting the 9 10 courtesy supervision for us did not notify us. They 11 reached out to defense counsel and made this request. 12 THE COURT: Okay. Look, let me just say the 13 following. Ms. Schuck, what I would ask you to do is sort 14 of reach out to -- well, let me ask. Have you spoken to 15 his pretrial officer then? 16 MS. SCHUCK: Ms. Valentine-Lewis just notified 17 me it was not mentioned to her. 18 THE COURT: Okay. And so are you -- do I understand that she reached out to you for -- but did not 19 20 tell you that she had recommended or requested a step down 21 in conditions? 22 MS. SCHUCK: What I just reached out to Ms. 23 Valentine-Lewis just now based on what I'm hearing in court, I asked her, you know, if there was a conversation, 24 25 if she was notified. Ms. Valentine-Lewis said no, she was

not notified by that district. Nothing was mentioned to her that they had made this request.

MS. RAKOCZY: Your Honor, for the Court's information, I was on the email correspondence with Mr. Fischer where the pretrial officer did suggest that this would be helpful.

THE COURT: Okay. No. I'm not suggesting that this -- you know, I'm not sure what the mixup in the communication.

But, look, I think the bottom line is as follows, Mr. Fischer. I just am not comfortable particularly in light of the new evidence, that I'm going to modify Mr. Caldwell's conditions, give him some greater flexibility and freedom and lessen his restrictions. I think the restrictions that are in place right now are appropriate and he's obviously out of the house a fair amount for reasons that he's allowed to be out of the house. Moving to a curfew will allow him to be out of the house for other reasons, including going down the block to a restaurant to eat, which I don't think is appropriate at this time and certainly given some of the evidence that's coming out against him recently, I don't that's appropriate.

So we will retain him on the current conditions.

To the extent, Ms. Schuck, if there are concerns by

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pretrial, I'd suggest that we reach out to them and figure
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      out what that is and if there is a way we can minimize the
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      burden on them, I'm happy to work with them and try to
      figure that out.
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                MS. SCHUCK: Yes, Your Honor.
                THE COURT: But insofar as the reasons
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      Mr. Caldwell is permitted out, those will remain the same.
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      And so I'm not going to grant the motion to modify
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      conditions to drop him down to a curfew.
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                All right.
                            So that's that. I don't think
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      there's anything else for Mr. Caldwell. And I think that
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      brings us to an end to our proceedings this morning.
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      Mr. Fischer, anything else from you?
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                MR. FISCHER: No, Your Honor.
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                THE COURT: All right. Thank you all very much.
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      Ms. Rakoczy, Mr. Baset, Mr. Edwards?
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                MS. RAKOCZY: Nothing further, Your Honor.
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      Thank you.
                THE COURT: All right. Thank you all very much.
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      we'll see everybody in about 30 days.
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                MS. RAKOCZY: Thank you, Your Honor.
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                 (Proceedings concluded.)
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1 CERTIFICATE OF REPORTER 2 I, Lisa K. Bankins, an Official Court Reporter 3 for the United States District and Bankruptcy Courts for 4 5 the District of Columbia, do hereby certify that I reported, by machine shorthand, in my official capacity, 6 the proceedings had and testimony adduced upon the status 7 8 conference in the case of the United States of America 9 versus Thomas Caldwell, et al., Criminal Number CR-21-28, 10 in said court on the 1st day of June, 2021. 11 12 I further certify that the foregoing 63 pages 13 constitute the official transcript of said proceedings, as 14 taken from my machine shorthand notes, together with the 15 backup tape of said proceedings to the best of my ability. 16 17 In witness whereof, I have hereto subscribed my 18 name, this 15th day of June, 2021. 19 20 21 Lisa K. Bankins 22 Lisa K. Bankins Official Court Reporter 23 24 25

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