

United States v. Biden (1:23-mj-00274)

District Court, D. Delaware

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Last Updated: July 27, 2023, 10:16 a.m.

Citation: United States v. Biden, 1:23-mj-00274, (D. Del.)

Date Filed: June 20, 2023

Date of Last Known Filing: July 27, 2023

Docket Entries (/docket/67511765/united-states-v-biden/)
Parties and Attorneys (/docket/67511765/parties/united-states-v-biden/)

Filed

to

Documents

to

	Date Filed	Description
1	Jun 20, 2023	Letter to Deputy Clerk from United States Attorney's Office for the District of Delaware regarding filing of Informations. (kjk) (Entered: 06/20/2023) Main Doc Letter (/docket/67511765/1/united-states-v-biden/)
2	Jun 20, 2023	MISDEMEANOR INFORMATION as to Robert Hunter Biden (1) count(s) 1, 2. (Attachments: # 1 Defendant Information Sheet) (kjk) (Additional attachment(s) added on 7/26/2023: # 2 Guilty Plea) (mdb). (Entered: 06/20/2023) Main Doc Information - Misdemeanor (/docket/67511765/2/united-states-v-biden/) Att 1 Defendant Information Sheet (/docket/67511765/2/1/united-states-v-biden/)
	Jun 21, 2023	Case assigned to Judge Maryellen Noreika, as to Robert Hunter Biden. Please include the initials of the Judge (MN) after the case number on all documents filed. (rjb) Case Assigned/Reassigned
3	Jun 21, 2023	

ORDER SCHEDULING RULE 11 HEARING as to Robert Hunter Biden: A combined Initial Appearance and Plea Hearing is set for 7/26/2023 at 10:00 AM in Courtroom 4A before Judge Maryellen Noreika. Signed by Judge Maryellen Noreika on 6/21/2023. (as) (Entered: 06/21/2023)

Main Doc Order Scheduling Guilty Plea
(/docket/67511765/3/united-states-v-biden/)

- 4 Jun 26, 2023 Summons Returned Executed on 6/23/23 as to Robert Hunter Biden (SEALED) (kjk) (Entered: 06/26/2023)
- Main Doc Summons Returned Executed
Jun 26, 2023 Summons Returned Executed
- 5 Jul 10, 2023 Certificate of Good Standing as to Attorney Christopher J. Clark. (as) (Entered: 07/10/2023)
- Main Doc Certificate of Good Standing
(/docket/67511765/5/united-states-v-biden/)
- 6 Jul 25, 2023 NOTICE OF ATTORNEY APPEARANCE: Richard I.G. Jones, Jr appearing for Robert Hunter Biden (Jones, Richard) Modified on 7/25/2023 to correct docket item number(sm). (Entered: 07/25/2023)
- Main Doc Notice of Attorney Appearance -
(/docket/67511765/6/united-states-v-biden/)
- Att 1 Exhibit Motion for Leave to File
(/docket/67511765/6/1/united-states-v-biden/)
- Att 2 Exhibit Memorandum of Law in Support of Motion
- Att 3 Exhibit Exhibit A (Proposed Amicus Brief)
- Att 4 Exhibit Exhibits 1 to 6 to Amicus Brief
(/docket/67511765/6/4/united-states-v-biden/)
- Att 5 Text of Proposed Order Proposed Order
- Jul 25, 2023 - CORRECTING ENTRY
- Jul 25, 2023 Oral Order
- Jul 25, 2023 CORRECTING ENTRY: Previously filed letter has been removed from the docket for failure to comply with Federal Rule of Criminal Procedure 49.1(a). Notice of appearance of Richard I.G. Jones, Jr., previously assigned as D.I. 7, has been changed to D.I. 6 to correct invalid numerical sequencing. (smg)
- CORRECTING ENTRY:
- 7 Jul 25, 2023 Letter to Judge Maryellen Noreika from Theodore A. Kittila, Counsel for the Honorable Jason Smith, Chairman of U.S. House of Representatives Ways and Means Committee regarding Seeking Leave to File Amicus Curiae Brief. (Attachments: # 1 Exhibit Motion for Leave to File Amicus Curiae Brief, # 2 Exhibit Memorandum of Law in Support of Motion, # 3 Exhibit Exhibit A (Proposed Amicus Brief), # 4 Exhibit Exhibits 1 to 6 to Amicus Brief, # 5 Text of Proposed Order) (Kittila, Theodore) (Entered: 07/25/2023)

Main Doc Letter
 (/docket/67511765/7/united-states-v-biden/)

Att 1 Exhibit Motion for Leave to File
 Amicus Curiae Brief

Att 2 Exhibit Memorandum of Law in
 Support of Motion

Att 3 Exhibit Exhibit A (Proposed Amicus
 Brief)
 (/docket/67511765/7/3/united-states-v-biden/)

Att 4 Exhibit Exhibits 1 to 6 to Amicus Brief

Att 5 Text of Proposed Order

8 Jul 25, 2023 Letter to Judge Maryellen Noreika from Theodore A. Kittila, Counsel for the Honorable Jason Smith, Chairman of U.S. House of Representatives Ways and Means Committee regarding Improper Removal of Filing - re 7 Letter,. (Attachments: # 1 Exhibit A)(Kittila, Theodore) (Attachment 1 replaced on 7/25/2023) (dlw). Modified on 7/25/2023 (dlw). (Additional attachment(s) added on 7/25/2023: # 2 Exhibit B) (dlw). (Entered: 07/25/2023)

Main Doc Letter
 (/docket/67511765/8/united-states-v-biden/)

Att 1 Exhibit A
 (/docket/67511765/8/1/united-states-v-biden/)

9 Jul 25, 2023 Letter to The Honorable Maryellen Noreika from Christopher J. Clark, Jr., Esq. regarding Objecting to Application filed by counsel for the Hon. Jason Smith - re 7 Letter, 8 Letter,. (Attachments: # 1 Exhibit A)(Jones, Richard) (Entered: 07/25/2023)

Main Doc Letter
 (/docket/67511765/9/united-states-v-biden/)

Att 1 Exhibit A
 (/docket/67511765/9/1/united-states-v-biden/)

10 Jul 25, 2023 NOTICE OF ATTORNEY APPEARANCE: Matthew S. Salerno appearing for Robert Hunter Biden. (as) (Entered: 07/25/2023)

Main Doc Notice of Attorney Appearance -
 Defendant
 (/docket/67511765/10/united-states-v-biden/)

11 Jul 25, 2023 Certificate of Good Standing as to Attorney Matthew S. Salerno. (as) (Entered: 07/25/2023)

Main Doc Certificate of Good Standing
 (/docket/67511765/11/united-states-v-biden/)

Jul 25, 2023 CORRECTING ENTRY: The spelling of the attorney's name in the docket text re 9 Letter to The Honorable Maryellen Noreika has been corrected to Christopher J. Clark, Jr., Esq. (as)

CORRECTING ENTRY:

12 Jul 25, 2023

ORAL ORDER re 8 and 9 - The Court is in receipt of the parties' letters regarding a motion for leave to file an amicus brief (D.I. 7, Exs. 1-4). As an initial matter, Defendant has not indicated what specific information should be sealed nor made any showing as required under *In re Avandia Marketing, Sales Practices & Products Liability Litigation*, 924 F.3d 662 (3d Cir. 2019). In fact, Defendant has not filed a formal request with the Court to seal anything. The Court will temporarily place the document under seal until close of business on July 26, 2023 to afford Defendant the opportunity to try to make the requisite showing. Should Defendant fail to make that showing, the document will be unsealed in its entirety. In addition, the Court has reviewed the allegations in Mr. Kittila's letter regarding a call made to the Clerk's Office regarding the amicus materials. (D.I. 8). Mr. Kittila asserts that an individual associated with the firm representing Defendant called the Clerk's Office pretending to be associated with Mr. Kittila and requesting the amicus materials be removed from the docket, which the Clerk's Office did. The response from Defendant's counsel on this issue was that "[a]s far as [he was] aware, the managing attorney from Latham called the clerk's office to note that personal tax information of the defendant had been filed in a non-reacted [sic] manner and to inquire regarding having the information sealed" and that "the clerk took the filing down on their own accord." (D.I. 8, Ex. A). Defendant's counsel also added that he hoped Mr. Kittila had an "affidavit from the clerk in support of" his version of events. (Id.). The Court has discussed the matter with the relevant individuals in the Clerk's Office and has been informed that the caller, Ms. Jessica Bengels, represented that she worked with Mr. Kittila and requested the amicus materials be taken down because they contained sensitive grand jury, taxpayer and social security information. It appears that the caller misrepresented her identity and who she worked for in an attempt to improperly convince the Clerk's Office to remove the amicus materials from the docket. THEREFORE, IT IS HEREBY ORDERED that, on or before 9PM TODAY on July 25, 2023, counsel for Defendant shall SHOW CAUSE as to why sanctions should not be considered for misrepresentations to the Court. ORDERED by Judge Maryellen Noreika on 7/25/2023. (dlw) (Entered: 07/25/2023)

Main Doc	Oral Order	
13	Jul 25, 2023	REDACTED VERSION of Exhibit B to 8 Letter (dlw) (Entered: 07/25/2023)
		Main Doc Redacted Document (/docket/67511765/13/united-states-v-biden/)
14	Jul 25, 2023	Letter to The Honorable Maryellen Noreika from Matthew S. Salerno of Latham Watkins LLP regarding in response to Oral Order from the Court [Dkt 12] - re 12 Oral Order,,,,,,,,,,,,. (Attachments: # 1 Exhibit Declaration of Jessica Bengels, # 2 Exhibit 1-3 to Declaration of Jessica Bengels)(Jones, Richard) (Entered: 07/25/2023)
		Main Doc Letter (/docket/67511765/14/united-states-v-biden/)
		Att 1 Exhibit Declaration of Jessica Bengels (/docket/67511765/14/1/united-states-v-biden/)
		Att 2 Exhibit 1-3 to Declaration of Jessica Bengels (/docket/67511765/14/2/united-states-v-biden/)
15	Jul 26, 2023	ORDER pursuant to Fed. R. Crim. P. 5(f) as to Robert Hunter Biden. Signed by Judge Maryellen Noreika on 7/26/2023. (mdb) (Entered: 07/26/2023)

Main Doc Brady Order
 (/docket/67511765/15/united-
 states-v-biden/)

16 Jul 26, 2023

ORDER Setting Conditions of Release as to Robert Hunter Biden (1) O/R with conditions. Signed by Judge Maryellen Noreika on 7/26/2023. (mdb) (Entered: 07/26/2023)

Main Doc Order Setting Conditions of Release
 (/docket/67511765/16/united-
 states-v-biden/)

17 Jul 26, 2023

MOTION to Seal Document [Motion for Leave to File Under Seal] D.I. 12 by Robert Hunter Biden. (Attachments: # 1 Text of Proposed Order)(Jones, Richard) (Entered: 07/26/2023)

Main Doc Seal Document
 (/docket/67511765/17/united-
 states-v-biden/)

Att 1 Text of Proposed Order
 (/docket/67511765/17/1/united-
 states-v-biden/)

Jul 26, 2023

Minute Entry for proceedings held before Judge Maryellen Noreika - Initial Appearance as to Robert Hunter Biden on Count 1, 2 held. Defendant was present with counsel. The Court advised Defendant of rights and granted release with conditions. Defendant waived the preliminary hearing. The Court advised counsel of their Brady obligations under Rule 5(f). The Court deferred a decision on the plea and pretrial diversion agreement. The parties shall submit briefs as ordered within 30 days; Not Guilty Plea entered. Time is excluded from the Speedy Trial Act between today and 9/1/2023 in the interests of justice. Appearances: B. Wallace, Esq., L. Wise, Esq., & D. Hines, Esq. for USA; C. Clark, Esq. & R. Jones, Esq. for DEFT; M. Bray & B. Williams for USPO; M. Buckson DEPUTY; (Court Reporter Dale Hawkins.) (mdb)

Initial Appearance

Jul 26, 2023

Arraignment - Not Guilty Plea AND Initial Appearance

18 Jul 27, 2023

Main Doc --Transcript