



USA v. Bundy et al

2018 | Cited 0 times | D. Nevada | September 17, 2018

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 Warren R. Markowitz (NYS 4613220) The Markowitz Law Firm 7260 W. Azure Dr, Suite 140-100 Las Vegas NV 89130

Office: 702-749-5831 ext 100 Fax: 702-749-5832 Email: Warren@MarkowitzLawFirm.com or warren@warrenmarkowitzesq.com Pro Hac Vice Attorney of Defendant Todd C. Engel UNITED STATES DISTRICT COURT DISTRICT OF NEVADA (LAS VEGAS) USA Plaintiff,

vs. Todd C. Engel Defendant

No. 2:16-CR-00046-GMN-PAL-15 REQUEST TO ALLOW DEFENDANT TO PARTICIPATE IN RESTITUTION HEARING VIA VIDEO LINK CERTIFICATION: This request is timely made and Defense Counsel has conferred with AUSA prior to making this request. COMES NOW, defendant, Todd C. Engel (Engel), by his attorney, Warren R. Markowitz, Esq, and moves this Court to allow Engel to appear for the upcoming Restitution Hearing via video link from USP Lompoc.

Engel Opposition to Government Motion for Protective Order Page 1 Case 2:16-cr-00046-GMN-PAL Document 3331 Filed 09/10/18 Page 1 of 4 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 On July 19, 2018 this court imposed sentence on two counts relating to Engel's involvement in the Bundy Standoff of April 2014. During sentencing hearing Defense Counsel raised a challenge to the restitution amounts being requested by the Federal Government, and after oral argument disposition of the Restitution was placed on calendar for September 5

th 2018, ECF# 3297.

During the last week of August 2018 the Bureau of Prisons relocated Engel from the NSDC in Parhump Nevada to USP Lompoc. This court issued a minute order rescheduling the hearing for September 20, 2018, ECF#3326.

On September 6, 2018, Defense Counsel inquired with Ms. Carlon, the unit manager housing Engel if video conferencing is available for use (Exhibit 1), and

on the 7

th Ms. Carlon responded with a voicemail indicating that the service is available for use. On September 10 th 2018, Defense Counsel contacted AUSA Dan Schiess via telephone and inquired as



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to his position relating to the use of the video link for the appearance of Engel. AUSA Schiess indicated that he didn't care, which implies that he holds no preference. Travel to and from USP Lompoc to the USDC Court in Las Vegas is,

according to Google Maps, roughly 6hr 45 minutes. With the security issues involved in transporting Engel, we can easily assume that the travel is going to be Engel Opposition to Government Motion for Protective Order Page 2 Case 2:16-cr-00046-GMN-PAL Document 3331 Filed 09/10/18 Page 2 of 4 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 in excess of nine hours at best. The physical and mental impact of the transport on Engel, and those responsible for him, provides no benefit to this court nor to the findings in the hearing. Neglecting the hard costs that are obviously saved by such an action, the Defense asserts that justice may be served by using the least impactful solution on all parties involved in order to facilitate Engel's appearance.

Therefore, Defense Counsel requests that this court issue an order permitting Defendant Engel to appear via video link for the upcoming hearing, and to instruct the USP Lompoc to arrange such accomodation. Respectfully submitted, this 10 th day of September 2018

/s/ Warren R. Markowitz WARREN R. MARKOWITZ Counsel for Defendant Todd Engel Engel Opposition to Government Motion for Protective Order Page 3

17 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 CERTIFICATE OF SERVICE I, Warren R. Markowitz, attorney of record of Defendant Todd C. Engel,

submitted a copy of the foregoing REQUEST TO ALLOW DEFENDANT TO PARTICIPATE IN RESTITUTION HEARING VIA VIDEO LINK to the clerk of this court via the court's CM/ECF system for delivery and service upon counsel of record via CM/ECF. Dated this 10 th day of September 2018

/s/ Warren R. Markowitz WARREN R. MARKOWITZ Counsel for Defendant Todd Engel Engel Opposition to Government Motion for Protective Order Page 4 Case 2:16-cr-00046-GMN-PAL Document 3331 Filed 09/10/18 Page 4 of 4

September 6, 2018 Ms. Carlon USP Lompoc 3901 KLEIN BLVD

LOMPOC, CA 93436 VIA FAX ONLY RE: Todd C. Engel, BOP# 18427-023

Ms. Carlon, As Attorney for Todd C. Engel, I would like to inquire as to the availability of

video conferencing for appearances for court hearings? As you are aware, Engel is the subject of a restitution hearing on Sept 20 th



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2018, at the USDC Nevada, as he was recently transferred to your custody I was interested in requesting the video participation of Engel from the court. Please advise if the resource is available so that I may inform the court. Respectfully, Warren Markowitz, Esq.

Attorney and Counselor at Law enc: court minutes 7260 W. Azure Dr, Suite 140-100, Las Vegas NV 89130 Phone: 702.749.5831 xt 100, DID: -5835, Fax: 702-749-5832 email: warren@warrenmarkowitzesq.com Web: www.warrenmarkowitzesq.com Attorney Licensed in NY, USDC Colorado and the 9 th

&10 th

US Circuit Court of Appeals, & the US Supreme Court request for video.odt Page of 1 of 1 THE MARKOWITZ LAW FIRM Case 2:16-cr-00046-GMN-PAL Document 3331-1 Filed 09/10/18 Page 1 of 4 Subject: Acvity in Case 2:16-cr-00046-GMN-PAL USA v. Bundy et al Minute Order Seng Hearing From: cmecf@nvd.uscourts.gov Date: 8/30/2018 11:06 AM -0700 To: cmecelpdesk@nvd.uscourts.gov This is an automac e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unaended. ***NOTE TO PUBLIC ACCESS USERS*** Judicial Conferen ce of the United States policy permits aorneys of record and pares in a case (including pro se ligants) to receive one free electronic copy of all documents filed electronically, if recei pt is required by law or directed by the filer. PACE R

access fees apply to all other users. To avoid late r charges, download a copy of each document during this first viewing. However, if the reference d document is a transcript, the free copy and 30 page limit do not apply. United States District Court District of Nevada Notice of Electronic Filing The following transacon was entered on 8/30/2018 a t 11:06 AM PDT and filed on 8/30/2018

Case Name: USA v. Bundy et al Case Number: 2:16-cr-00046-GMN-PAL Filer: Document Number: 3326(No document aached)

Docket Text: MINUTE ORDER IN CHAMBERS of the Honorable Chief Jud ge Gloria M. Navarro, as to Todd C. Engel on 8/30/2018. By Deputy Clerk: Aaron Blazeovich.

Defendant Todd Engel has been transferred to the cu stody of the Bureau of Prisons. As such, the Bureau of Prisons will not have enough time to transport Defendant to Nevada for the hearing currently set for September 5, 2018, at 9:00 a.m. Accordingly, IT IS HEREBY ORDERED that the Restitution Hearing is CONTINUED to Septe mber 20, 2018, at 9:00 a.m. in LV Courtroom 7D before Ch ief Judge Gloria M. Navarro.

(no image attached) (Copies have been distributed pursuant to the NEF - ASB)

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admin@jusce-law-center.com, mic haelm@jusce-law-center.com,

tatumw@jusce-law-center.com Chris T Rasmussen chris@rasmussenkang.com, andy @allnoneinvesgaons.com, Activity in Case 2:16-cr-00046-GMN-PAL USA v. Bundy et al Minute ... 1 of 3 9/6/2018 10:17 AM Case 2:16-cr-00046-GMN-PAL Document 3331-1 Filed 09/10/18 Page 2 of 4

rasmussenkang@gmail.com Daniel Schiess dan.schiess@usdoj.gov, USANV.tea m1@usdoj.gov, caseview.ecf@usdoj.gov, mamie.o@usdoj.gov Joel F. Hansen lsabin@cooperlevenson.com

Lance A Maningo lance@maningolaw.com, elyse@maningolaw.com Mace J Yampolsky Mace@macelaw.com, jason@macelaw.com, theresa@macelaw.com Randall J Roske randallroske@yahoo.com, Shari L. Kaufman Shari_Kaufman@fd.org, brandon_ thomas@fd.org, ecf_vegas@fd.org, felicia_darensbourg@fd.org Steven W. Myhre Steven.Myhre@usdoj.gov, Ashlin. Brown@usdoj.gov, Mamie.O@usdoj.gov, caseview.ecf@usdoj.gov Terrence M Jackson Terry.Jackson.Esq@gmail.com

Brenda Weksler brenda_weksler@fd.org, lauren_conklin@fd.org Roger W. Wenthe roger.wenthe@usdoj.gov, CaseView.ECF@usdoj.gov, Darlene.Ruckard@usdoj.gov, jenni.olasky@usdoj.gov, maritess.recinto@usdoj.gov, sue.knight@usdoj.gov Todd M Leventhal leventhalandassociatescmecf@gmail.com, Maribel@toddleventhal.com

Jess R. Marchese marcheselaw@msn.com Peter S. Levi peter.s.levi@usdoj.gov, caseview.ecf@usdoj.gov Richard E Tanasi rtanasi@tanasilaw.com

Elizabeth Olson White elizabeth.o.white@usdoj.gov, CaseView.ECF@usdoj.gov, Joanie.Silvershield@usdoj.gov, MRecinto@usa.doj.gov Shawn R Perez shawn711@msn.com

Margaret A McLetchie maggie@nvligaon.com, efile@nvligaon.com Ryan Norwood Ryan_Norwood@fd.org, ECF_NVNCH@fd.org, adam_dunn@fd.org, lauren_conklin@fd.org Maysoun Fletcher maf@fletcherfirmllaw.com, acquia_l@hotmail.com Activity in Case 2:16-cr-00046-GMN-PAL USA v. Bundy et al Minute ... 2 of 3 9/6/2018 10:17 AM Case 2:16-cr-00046-GMN-PAL Document 3331-1 Filed 09/10/18 Page 3 of 4

Nadia Janjua Ahmed nadia.ahmed@usdoj.gov, USANV .team3@usdoj.gov, caseview.ecf@usdoj.gov, eileen.alexander@usdoj.gov, mamie.o@usdoj.gov Dennis Mahew Lay dml@lasvegasdefender.com

Lucas Gaffney Lucas@GaffneyLawLV.com Dusn R. Marcello dusn.fumolaw@gmail.com, krisne.fumolaw@gmail.com Alina M Shell alina@nvligaon.com, efile@nvligaon.com Krisne M Kuzemka krisne@kuzemkalaw.com, shellie@kuzemkalaw.com Russell M Aoki russ@aokilaw.com, chrisna@aokilaw.com, galina@aokilaw.com, jennifer@aokilaw.com, leslie@aokilaw.com Daniel Hill dan@hillfirmllawyers.com Mark D. Eibert markeibert@comcast.net Andrea Lee Luem



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Andrea@luemlaw.com

Cristen Thayer Cristen_Thayer@fd.org, brandon_t homas@fd.org, cecilia_valencia@fd.org, felicia_darensbourg@fd.org, lauren_conklin@fd.org Amy B. Cleary amy_cleary@fd.org, Ecf_Vegas@fd.o rg, brandon_thomas@fd.org, cecilia_valencia@fd.org, lauren_conklin@fd.org, nancy_vasquez@fd.org, stephanie_s_young@fd.org Erin M Creegan Erin.Creegan@usdoj.gov Cullen Macbeth cullen_macbeth@fd.org, amy_clear y@fd.org, brandon_thomas@fd.org,

cecilia_valencia@fd.org Jay Morgan Philpot jmorganphilpot@gmail.com Warren Ross Markowitz warren@warrenmarkowitizesq .com, usdc_nv_ecf@warrenmarkowitizesq.com

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