

Courtroom Minute Entry

Room: WVSCHADCR03711

Case No.: 2:22-cr-00084

Type: IA & AR

Caption: USA v. Malik Breckenridge

Judge: Omar Aboulhosn

Started: 5/4/2022 10:29:51 AM

Ends: 5/4/2022 10:51:22 AM

Length: 00:21:32

10:29:55 AM Judge Omar Aboulhosn
10:29:55 AM Courtroom Deputy Tammy Davis
10:29:56 AM Court Reporter Courtsmart
10:29:57 AM AUSA Kristin F. Scott
10:29:58 AM AFDH Rhett H. Johnson
10:29:59 AM Defendant Malik Breckenridge
10:30:01 AM USPO Codie Blankenship
10:30:16 AM **INITIAL APPEARANCE ON INDICTMENT BY SUMMONS**
10:32:39 AM Judge Omar Aboulhosn
10:32:40 AM Calls case
10:32:42 AM Counsel please state your appearances for the record.
10:32:44 AM AUSA Kristin F. Scott
10:32:45 AM Notes appearance on behalf of the United States.
10:32:48 AM AFDH Rhett H. Johnson
10:32:50 AM Notes appearance on behalf of the defendant who is to my right.
10:32:52 AM Judge Omar Aboulhosn
10:32:54 AM Places the defendant under oath.
10:33:06 AM States rights of defendant and defendant acknowledges these rights.
10:33:19 AM The Court has reviewed the financial affidavit and finds the defendant does qualify for court-appointed
10:33:26 AM counsel. Orders the appointment of Mr. Johnson.
10:33:33 AM Defendant Malik Breckenridge
10:33:35 AM States personal information
10:33:47 AM Judge Omar Aboulhosn
10:33:51 AM States additional rights of defendant and defendant acknowledges these rights.
10:33:59 AM **ARRAIGNMENT HEARING**
10:34:00 AM States violation(s) in charging document and possible penalties.
10:34:08 AM Questions defendant about Indictment related matters.
10:34:23 AM Defendant pleads NOT GUILTY to charge(s) contained in the Indictment.
10:34:26 AM **This case has been assigned to United States District Judge Irene C. Berger**
10:34:30 AM **Your trial is scheduled for June 6, 2022, at 9:00 a.m. in Charleston**
10:34:40 AM There will be a pretrial motions hearing held on May 18, 2022, at 11:00 a.m. before me in Charleston.
10:35:03 AM Counsel, I assume your client does not waive his right to appear at the pretrial motions hearing?
10:35:15 AM AFDH Rhett H. Johnson
10:35:24 AM No, your honor, he does want to waive his right to appear at the pretrial motions hearing.
10:35:27 AM Judge Omar Aboulhosn
10:35:29 AM The Court will print a waiver as soon as this hearing is over.
10:35:46 AM Parties have elected the standard discovery; pretrial motions, voir dire and witness list dates given.
10:35:52 AM The Court will also enter an Addendum to the Arraignment Order with one addition that Judge Berger
10:36:16 AM is now requiring all jury instructions to be numbered. The court notes objection by government to
10:36:39 AM Addendum. I remind counsel to make sure chambers receives a copy of all motions filed with the Clerk.
10:36:41 AM If courtroom technology is required for use at trial or other proceedings, counsel shall notify the court's
10:36:45 AM technology staff five business days prior to commencement of the proceeding.
10:36:51 AM Advised counsel to give United States Marshals Service 30 days notice for out-of-custody defendants
10:36:55 AM and/or witnesses and cancel when unnecessary
10:37:07 AM The government is ordered to comply with the due process requirements of Brady v. Maryland.
10:37:19 AM We will move on to Bond since no Motion for Detention was filed by the government.
10:37:27 AM Discusses Pretrial Services Report.
10:37:37 AM AFDH Rhett H. Johnson
10:37:40 AM Discusses one correction on the 2018 charge in Georgia.
10:38:08 AM Judge Omar Aboulhosn
10:38:10 AM You think the matter is resolved, Mr. Johnson?
10:38:25 AM AFDH Rhett H. Johnson

10:38:26 AM I believe so.
10:38:33 AM Judge Omar Aboulhosn
10:39:18 AM The Court will release the defendant on bond since the United States is not seeking detention.
10:39:33 AM Discusses bond conditions
10:42:11 AM AFPD Rhett H. Johnson
10:42:14 AM Your honor, I would like to state objections to some of the bond conditions.
10:42:36 AM Discusses the defendant is not a flight risk and he should not surrender his passport.
10:43:38 AM Judge Omar Aboulhosn
10:43:40 AM These are standard conditions. I am not singling out the defendant, Mr. Johnson.
10:44:20 AM AFPD Rhett H. Johnson
10:44:23 AM Discusses Bail Reform Act.
10:45:29 AM Discusses subsection B
10:45:46 AM Judge Omar Aboulhosn
10:45:48 AM I am looking at number 2 – reads that aloud.
10:46:16 AM AFPD Rhett H. Johnson
10:46:19 AM Proffers to the Court.
10:47:02 AM Judge Omar Aboulhosn
10:47:03 AM What is the United States response?
10:47:10 AM AUSA Kristin F. Scott
10:47:11 AM Proffers to the Court that the standard conditions be imposed, your honor.
10:47:31 AM Judge Omar Aboulhosn
10:47:32 AM You get the last word, Mr. Johnson.
10:47:39 AM AFPD Rhett H. Johnson
10:47:44 AM Discusses the statute.
10:47:58 AM Judge Omar Aboulhosn
10:48:01 AM We do have a report here - discusses Georgia charge. I do not know what the status of that it.
10:48:26 AM I do not find the standard conditions are overly burdensome.
10:48:41 AM Let me take a look at the statute.
10:49:22 AM The court will overrule your objections, Mr. Johnson.
10:49:35 AM The Court does note your objections Mr. Johnson if you want to appeal that to Judge Berger.
10:49:45 AM AFPD Rhett H. Johnson
10:49:49 AM He has signed the paperwork, your honor.
10:50:50 AM Judge Omar Aboulhosn
10:50:52 AM The defendant will need to be processed by the Marshal Service and then he will need to see probation.
10:51:01 AM After that, he will be free to go.
10:51:10 AM Are there any questions or anything else we need to take care of?
10:51:15 AM Hearing adjourned