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U.S. District Court - District of Colorado District of Colorado (Denver) CRIMINAL DOCKET FOR CASE #: 1:20-cr-00098-MSK-GPG All Defendants

Case title: USA v. Hess et al Date Filed: 03/12/2020

Assigned to: Judge Marcia S. Krieger Referred to: Magistrate Judge Gordon

P. Gallagher

Defendant (1)

Megan Hess

represented by Daniel R. Shaffer

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED Designation: CJA Appointment

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David Edward Johnson

Office of the Federal Public Defender-

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TERMINATED: 03/19/2020 Designation: Public Defender or Community Defender Appointment

Pending Counts

18 U.S.C. § 1341; 18 U.S.C. § 2 MAIL FRAUD AND AIDING AND ABETTING (1-6)

49 U.S.C. § 46312 and 18 U.S.C. §2 TRANSPORTATION OF HAZARDOUS MATERIALS, AND AIDING AND ABETTING (7-9)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

None

Assigned to: Judge Marcia S. Krieger Referred to: Magistrate Judge Gordon

P. Gallagher

Defendant (2)

Shirley Koch

Disposition

Disposition

Disposition

represented by Stephen L. Laiche

Griff Larson Laiche & Wright

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED Designation: CJA Appointment

Pending Counts

Disposition

18 U.S.C. § 1341; 18 U.S.C. § 2 MAIL FRAUD AND AIDING AND ABETTING (1-6)

49 U.S.C. § 46312 and 18 U.S.C. §2 TRANSPORTATION OF HAZARDOUS MATERIALS, AND AIDING AND ABETTING (7-9)

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Plaintiff

USA

represented by Jeremy Lee Chaffin

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Agency Attorney

Laura Beth Hurd

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Email: laura.hurd@usdoj.gov ATTORNEY TO BE NOTICED

Designation: Federal Agency Attorney

Date Entered	#	Docket Text		
03/13/2020	1	INDICTMENT as to Megan Hess (1) count(s) 1-6, 7-9, Shirley Koch (2) count (s) 1-6, 7-9. (Attachments: # 1 Criminal Information Sheet Def 1, # 2 Criminal Information Sheet Def 2) (nmarb,) (Entered: 03/13/2020)		
03/13/2020	2	Arrest Warrant Issued in case as to Megan Hess. (nmarb,) (Entered: 03/13/2020)		
03/13/2020	3	Arrest Warrant Issued in case as to Shirley Koch. (nmarb,) (Entered: 03/13/2020)		
03/16/2020	4	RESTRICTED DOCUMENT - Level 4: as to Megan Hess, Shirley Koch. (nmarb,) (Entered: 03/16/2020)		
03/17/2020	<u>5</u>	MOTION to Unrestrict Case by USA as to Megan Hess, Shirley Koch. (Attachments: # 1 Proposed Order (PDF Only))(Chaffin, Jeremy) (Entered: 03/17/2020)		
03/17/2020	<u>6</u>	ORDER by Magistrate Judge Gordon P. Gallagher on 3/17/20 GRANTING 5 Motion to Unrestrict Case as to Megan Hess (1), Shirley Koch (2). (nmarb,) (Entered: 03/17/2020)		
03/17/2020	7	ORDER as to Megan Hess, Shirley Koch: Initial Appearance set for 3/17/2020 01:30 PM in Room 323 (Grand Junction) before Magistrate Judge Gordon P. Gallagher. Defendants may appear telephonically; Defense Counsel may appear via VTC with prior arrangements with Gallagher Chambers. By Magistrate Judge Gordon P. Gallagher on March 17, 2020. Text Only Entry (gpgsec) (Entered: 03/17/2020)		
03/17/2020	8	NOTICE OF ATTORNEY APPEARANCE Laura Beth Hurd appearing for USA. Attorney Laura Beth Hurd added to party USA(pty:pla) (Hurd, Laura) (Entered: 03/17/2020)		
03/17/2020	9	NOTICE of Lis Pendens - 165 Merchant Drive by USA as to Megan Hess, Shirley Koch (Hurd, Laura) (Entered: 03/17/2020)		
03/17/2020	<u>10</u>	NOTICE of Lis Pendens - 2108 Devon Street by USA as to Megan Hess, Shirley Koch (Hurd, Laura) (Entered: 03/17/2020)		
03/18/2020	<u>11</u>	NOTICE OF ATTORNEY APPEARANCE: Daniel R. Shaffer appearing for Megan HessAttorney Daniel R. Shaffer added to party Megan Hess(pty:dft) (Shaffer, Daniel) (Entered: 03/18/2020)		
03/18/2020	12	CASE REASSIGNED as to Megan Hess, Shirley Koch pursuant to Minute Entry for 3/17/20. This case is directly reassigned to Judge Marcia S. Krieger in the presiding role and to Magistrate Judge Gordon P. Gallagher in the referral role. All future pleadings should be designated as 20-cr-00098-MSK-GPG. (Text Only Entry) (nmarb,) (Entered: 03/18/2020)		

03/18/2020	13	Arrest of Megan Hess, Shirley Koch. Initial Appearance set for 3/17/2020 01:35 PM in Room 323 (Grand Junction) before Magistrate Judge Gordon P. Gallagher. (Text Only entry)(nmarb,) (Entered: 03/18/2020)			
03/18/2020	<u>14</u>	NOTICE OF ATTORNEY APPEARANCE: Stephen L. Laiche appearing for Shirley KochAttorney Stephen L. Laiche added to party Shirley Koch(pty:dft) Laiche, Stephen) (Entered: 03/18/2020)			
03/18/2020	<u>15</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Gordon P. Gallagher: ORDER: This case falls within the Western Slope Protocol Practice (WSPP). Initial Appearance and Arraignment as to Megan Hess, Shirley Koch held on 3/17/2020. Defendants both advised. Both defendants waived further reading and advisement. Both defendants requested counsel be appointed. Financial affidavits to be submitted to the Court later due to the current National Emergency. The Court ORDERED that at this time that Defendant Hess would provisionally be appointed court-appointed legal counsel. Public Defendant David Johnson enter Pleas of NOT GUILTY by Megan Hess (1) to all counts against her in the Indictment. Shirley Koch (2) entered pleas of NOT GUILTY to all counts against her in the Indictment. Jury Trial for both defendants set for 4/20/2020 10:00 AM in Room 323 (Grand Junction) before Senior Judge Marcia S. Krieger. Pretrial Conference set for both defendants for 4/16/2020 03:30 PM in Room 323 (Grand Junction) before Senior Judge Marcia S. Krieger. Government is not seeking detention. Bond set as to Megan Hess (1) \$100,000.00 Unsecured bond with Order Setting Conditions and as to Shirley Koch (2) \$100,000.00 Unsecured bond with Order Setting Conditions. Added attorney David Edward Johnson for Megan Hess. ORDERED: It is ordered that an executed appearance bond, and an executed order setting forth conditions, each signed by Defendant Koch, and Hess are due to the Court as soon as possible after the permanent CJA Panel appointment of defense counsel. ORDERED: Each Defendant shall be released on bond conditions as the USMS deems prudent. Hearing concluded. FTR: Grand Junction-pm. (nmarb,) (Entered: 03/18/2020)			
03/18/2020	16	ORDER APPOINTING COUNSEL as to Megan Hess, Shirley Koch by Magistrate Judge Gordon P. Gallagher on 3/17/20, pursuant to 15 Minute Entry Text Only Entry (nmarb,) (Entered: 03/18/2020)			
03/18/2020	<u>17</u>	MOTION to Withdraw as Attorney by David E. Johnson by Megan Hess. (Johnson, David) (Entered: 03/18/2020)			
03/19/2020	18	ORDER granting 17 Motion to Withdraw as Attorney. David Edward Johnson withdrawn from case as to Megan Hess (1). By Judge Marcia S. Krieger on 3/19/20. Text Only Entry (msklc2,) (Entered: 03/19/2020)			
03/19/2020	<u>19</u>	MOTION to Disclose Grand Jury Material to Defendant by USA as to Megan Hess, Shirley Koch. (Attachments: # 1 Proposed Order (PDF Only))(Chaffin, Jeremy) (Entered: 03/19/2020)			
03/19/2020	20	Unsecured Bond Entered as to Megan Hess in amount of \$\$100,000.00. (nmarb,) (Entered: 03/19/2020)			
03/19/2020	<u>21</u>				

		ORDER Setting Conditions of Release as to Megan Hess (1) on a \$100,000.00 Unsecured Bond, by Magistrate Judge Gordon P. Gallagher on 3/17/20. (nmarb,) (Entered: 03/19/2020)			
03/19/2020	<u>22</u>	CJA 23 Financial Affidavit as to Megan Hess. (nmarb,) (Entered: 03/19/2020)			
03/19/2020	<u>23</u>	MINUTE ORDER as to Megan HessOrder regarding Coronavirus Testing by Magistrate Judge Gordon P. Gallagher on 3/19/20. (GPG) (Entered: 03/19/2020)			
03/20/2020	<u>24</u>	ORDER PERMITTING DISCLOSURE OF GRAND JURY MATERIAL by Judge Marcia S. Krieger on 3/19/2020, re: 19/2020 Motion to Disclose Grand Jury Material as to Megan Hess (1), Shirley Koch (2). (sphil,) (Entered: 03/20/2020)			
03/20/2020	<u>25</u>	ORDER by Magistrate Judge Gordon P. Gallagher on 3/19/20 as to Megan Hess. Based upon the Court's review of Defendant Hess' financial affidavit (ECF #22), Defendant Hess qualifies for court- appointed counsel and the previous Order which stated that the appointment of court-appointed CJA Plan counsel was 'provisional' is now vacated, and the appointment is permanent -unless modified by this Court at a later date. (nmarb,) (Entered: 03/20/2020)			
03/20/2020	<u>26</u>	Unopposed MOTION to Continue by Shirley Koch. (Laiche, Stephen) (Entered: 03/20/2020)			
03/20/2020	<u>27</u>	First MOTION to Continue <i>Ends of Justice</i> by Megan Hess. (Shaffer, Daniel) (Entered: 03/20/2020)			
03/20/2020	28	Discovery Conference Memorandum and ORDER: Estimated Trial Time - one month as to Megan Hess, by Magistrate Judge Gordon P. Gallagher on 3/20/20. (nmarb,) (Entered: 03/20/2020)			
03/20/2020	29	MEMORANDUM regarding 26 Unopposed MOTION to Continue filed by Shirley Koch, 27 First MOTION to Continue <i>Ends of Justice</i> filed by Megan Hess. Motion(s) referred to Magistrate Judge Gordon P. Gallagher. by Judge Marcia S. Krieger on 3/20/20. Text Only Entry (msklc2,) (Entered: 03/20/2020)			
03/20/2020	30				

		would be served by continuing the trial in this matter and that the factors in favor of granting such a continuance outweigh the best interests of the public and the Defendants in a speedy trial. The Court finds that failure to grant such a continuance would make it impossible for the Defense to proceed and would provide inadequate preparation time taking into account the fact that the parties have all exercised due diligence. The Government did not object, in any fashion, to the motions to continue. All time between now and the new date of November 2, 2020 shall be excluded from the speedy trial calculation. The parties are to file a joint memo, within 14 days, providing a current speedy trial calculation. In addition, within seven (7) days, the parties SHALL jointly contact the Courts Clerk in Grand Junction to set a telephone status conference (all parties MUST appear by telephone for both the setting conference and the hearing)said conference to be held within the next fourteen (14) days. The purpose of the conference will be to start the process of insuring that appropriate resources are marshalled so this matter can move forward without undue delay. This Order also resolves the motion found at ECF #26. by Magistrate Judge Gordon P. Gallagher on 3/20/20. Text Only Entry (GPG) (Entered: 03/20/2020)	
03/20/2020	<u>31</u>	Unsecured Bond Entered as to Shirley Koch in amount of \$ \$100,000.00, with conditions. (nmarb,) (Entered: 03/20/2020)	
03/20/2020	<u>32</u>	ORDER Setting Conditions of Release as to Shirley Koch (2)on a \$100,000.00 Unsecured bond, by Magistrate Judge Gordon P. Gallagher on 3/17/20. (nmarb,) (Entered: 03/20/2020)	
03/20/2020	<u>33</u>	CJA 23 Financial Affidavit by Shirley Koch. (nmarb,) (Entered: 03/20/2020)	
03/20/2020	<u>34</u>	Discovery Conference Memorandum and ORDER: Estimated Trial Time - one month as to Shirley Koch, by Magistrate Judge Gordon P. Gallagher on 3/20/20 (nmarb,) (Entered: 03/20/2020)	
03/20/2020	<u>35</u>	ORDER APPOINTING COUNSEL as to Shirley Koch by Magistrate Judge Gordon P. Gallagher on 3/20/20. Provisional Order is vacated and this order is permanent. (nmarb,) (Entered: 03/20/2020)	
03/20/2020	36	ORDER granting <u>26</u> Motion to Continue as to Shirley Koch (2) by Magistrate Judge Gordon P. Gallagher on 3/20/20, pursuant to 30 Order. Text Only Entry (nmarb,) (Entered: 03/20/2020)	
03/23/2020	<u>37</u>	MOTION to Appoint Counsel by Megan Hess. (Shaffer, Daniel) (Entered: 03/23/2020)	
03/23/2020	38	ORDER granting 37 Motion to Appoint Counsel as to Megan Hess (1):: The Court approves the appointment of a second attorney for Ms. Hess pursuant to the Criminal Justice Act. Given the need for consultations with co-counsel and the client, the Clerk of the Court is strongly encouraged to attempt to appoint an attorney who resides and practices on the Western Slope. By Judge Marcia S. Krieger on 3/23/20. Text Only Entry (msklc2,) (Entered: 03/23/2020)	
03/23/2020	<u>39</u>	RESTRICTED DOCUMENT - Level 3: Report as to Megan Hess. (nmarb,) (Entered: 03/23/2020)	
03/24/2020	<u>40</u>		

		CONSENT OF THE GOVERNMENT AND THE DEFENDNT Pursuant to D.C.COLO.LCrR 11.1(b), by Shirley Koch (nmarb,) (Entered: 03/24/2020)	
03/24/2020	41	AMENDED ORDER by Magistrate Judge Gordon P. Gallagher on 3/24/20 as to Megan Hess re 23 Minute Order, Regarding Coronavirus Testing. Dated 3/24/20 nunc pro tunc 3/23/20. (nmarb,) (Entered: 03/24/2020)	
03/24/2020	42	CONSENT OF THE GOVERNMENT AND THE DEFENDANT Pursuant to D.C.COLO LCrR 11.1 (b), by Megan Hess. (nmarb,) (Entered: 03/24/2020)	
03/24/2020	43	ORDER REFERRING CASE to Magistrate Judge Gordon P. Gallagher as to Megan Hess, Shirley Koch: In view of the filing of the Defendants' Consent 40 42, and pursuant to District Court General Order 2015-1, this matter is referred to Magistrate Judge Gordon P. Gallagher for final determination as authorized by statute and rule, and recommendations for those matters that the magistrate judge cannot finally determine. by Judge Marcia S. Krieger on 3/24/20. Text Only Entry (msklc2,) (Entered: 03/24/2020)	
03/25/2020	45	Grand Junction Specific Setting and Trial Preparation Order for Criminal Actions Falling Within the Western Slope Protocol, as to Megan Hess, Shirley Koch, by Magistrate Judge Gordon P. Gallagher on 3/25/20. (nmarb,) (Entered: 03/25/2020)	
03/26/2020	46	MOTION for Leave to Restrict by USA as to Megan Hess, Shirley Koch. (Attachments: # 1 Proposed Order (PDF Only))(Chaffin, Jeremy) (Entered: 03/26/2020)	
03/26/2020	47	Brief in Support of Motion to Restrict Document No. 48, as to Megan Hess, Shirley Koch. (Chaffin, Jeremy) Modified on 4/10/2020 to unrestrict this entry pursuant to 67 Order. (nmarb,). (Entered: 03/26/2020)	
03/26/2020	48	RESTRICTED DOCUMENT - Level 2: as to Megan Hess, Shirley Koch. (Attachments: # 1 Exhibit A, # 2 Attachment 1, # 3 Attachment 2)(Chaffin, Jeremy) (Entered: 03/26/2020)	
03/26/2020	50	MINUTE ORDER as to Megan Hess, Shirley Koch: Within seven (7) days, each Defendant SHALL individually respond as to their position regarding the motion to restrict (ECF #46). Additionally, each Defendant MAY individually interpose an objection to the contact limitation list at ECF #48, specifyingwith particularitywhy that Defendant believes contact is necessary with any listed individual or organization listed therein. by Magistrate Judge Gordon P. Gallagher on 3/26/20. Text Only Entry (GPG) (Entered: 03/26/2020)	
03/27/2020	<u>51</u>	Arrest Warrant Returned Executed on 3/17/20 in case as to Megan Hess. (nmarb,) (Entered: 03/27/2020)	
03/27/2020	<u>52</u>	Arrest Warrant Returned Executed on 3/17/20 in case as to Shirley Koch. (nmarb,) (Entered: 03/27/2020)	
03/27/2020	53	NOTICE OF ATTORNEY APPEARANCE: Ashley Marie Petrey appearing for Megan HessAttorney Ashley Marie Petrey added to party Megan Hess(pty:dft) (Petrey, Ashley) (Entered: 03/27/2020)	
04/01/2020	<u>54</u>		

		RESPONSE in Opposition by Megan Hess re <u>46</u> MOTION for Leave to Restrict (Shaffer, Daniel) Modified on 4/1/2020 to add restriction level 2 per attorney. (sphil,). Modified on 4/8/2020 to add restriction level 2 pursuant to [#64] Order. (sphil,). (Entered: 04/01/2020)	
04/01/2020	55	ORDER as to Megan Hess, Shirley Koch: Status Conference set for 4/2/2020 10:30 AM in Room 323 (Grand Junction) before Magistrate Judge Gordon P. Gallagher. Defendants may appear if they are able to call in at that time and would like to participate. The Court prefers that all attorneys call into the Courtroom rather than appear in person due to the Covid-19 issues. The phone number to call is: 1-877-336-1828, Access Code 9449909#. By Magistrate Judge Gordon P. Gallagher on April 1, 2020. Text Only Entry (gpgsec,) (Entered: 04/01/2020)	
04/01/2020	<u>56</u>	REPORT <i>Joint Speedy Trial Act Calculation</i> by USA as to Megan Hess, Shirley Koch (Chaffin, Jeremy) (Entered: 04/01/2020)	
04/01/2020	<u>57</u>	MOTION for Leave to Restrict by Megan Hess. (Shaffer, Daniel) (Entered: 04/01/2020)	
04/02/2020	<u>58</u>	RESPONSE in Opposition by Shirley Koch re 46 MOTION for Leave to Restrict (Laiche, Stephen) Modified on 4/8/2020 to add restriction level 2 pursuant to 63 Order. (sphil,). (Entered: 04/02/2020)	
04/02/2020	<u>59</u>	MOTION for Leave to Restrict by Shirley Koch. (Laiche, Stephen) (Entered: 04/02/2020)	
04/03/2020	<u>60</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Gordon P. Gallagher: Status Conference as to Megan Hess, Shirley Koch held on 4/2/2020. Minutes and Orders regarding possible additional resources for Defense Counsel given the large amount of discovery. FTR: Grand Junction-am. (nmarb,) (Entered: 04/03/2020)	
04/06/2020	61	RESPONSE by USA as to Megan Hess, Shirley Koch re: 58 Response in Opposition filed by Shirley Koch, <u>54</u> Response in Opposition filed by Megan Hess (Chaffin, Jeremy) (Entered: 04/06/2020)	
04/07/2020	62	ORDER granting 46 Motion for Leave to Restrict as to Megan Hess (1), Shirley Koch (2): ECF #48 SHALL remain restricted at Level 2 restriction absent further Order of this Court. As to ECF #47, it is unclear to the Court why this document needs to restricted as it merely adds context but reveals no sensitive information. Therefore, the Government SHALL provide any additional argument as to why ECF #47 needs to be restricted within seven (7) days. So Ordered. by Magistrate Judge Gordon P. Gallagher on 4/7/20. Text Only Entry (GPG) (Entered: 04/07/2020)	
04/07/2020	63	ORDER granting 57 Motion for Leave to Restrict as to Megan Hess (1): ECF #58 SHALL be restricted at Level 2 Restriction absent further Order of the Court. by Magistrate Judge Gordon P. Gallagher on 4/10/20. Text Only Entry (GPG) (Entered: 04/07/2020)	
04/07/2020	64	ORDER granting 59 Motion for Leave to Restrict as to Shirley Koch (2): ECF #54 SHALL be restricted at Level 2 Restriction absent further Order of the	

		Court. by Magistrate Judge Gordon P. Gallagher on 4/7/20. Text Only Entry (GPG) (Entered: 04/07/2020)	
04/07/2020	MINUTE ORDER as to Megan Hess, Shirley Koch: This Order takes into account the response of Defendant Hess (ECF #54), the response of Defen Koch (ECF #58), and the Government's reply (ECF 61). Defendant Hess have contact with C.V. except that Defendant Hess may not discuss her anticipated testimony in this matter with C.V. Defendants Hess and Koch have contact with C.C. but neither may discuss this case with C.C. No Defendant may have contact with G.H.who has specifically requested no contact. No Defendant may have contact with J.C. However, with regard the Government SHALL update the Court as to J.C.'s position as to a no corder within seven (7) days. Should J.C. desire contact with one or both Defendants, the Court will review the matter again with that in mind. Other the no contact provisions of conditions of release remain in effect as to all individuals and entities listed in ECF #48. by Magistrate Judge Gordon P. Gallagher on 4/7/20. Text Only Entry (GPG) (Entered: 04/07/2020)		
04/09/2020	<u>66</u>	RESPONSE by USA as to Megan Hess, Shirley Koch re: 62 Order on Motion for Leave to Restrict,, (Chaffin, Jeremy) (Entered: 04/09/2020)	
04/09/2020	67	MINUTE ORDER as to Megan Hess, Shirley Koch: Restriction is hereby removed as to ECF #47 ONLY. So Ordered. by Magistrate Judge Gordon P. Gallagher on 4/9/20. Text Only Entry (GPG) (Entered: 04/09/2020)	
04/13/2020	<u>68</u>	MOTION to Appoint Counsel <i>Paula Ray</i> by Shirley Koch. (Laiche, Stephen) (Entered: 04/13/2020)	

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