

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

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 1:25-mj-00225-ZMF
	)	
KEVONTAE STEWART,	)	
	)	
Defendant.	)	
	)	

---

TRANSCRIPT OF GRAND JURY RETURN  
**BEFORE THE HONORABLE ZIA M. FARUQUI, U.S. MAGISTRATE JUDGE**  
September 29, 2025  
2:29 p.m. - 3:36 p.m.  
Washington, DC

**FOR THE GOVERNMENT:**  
Office of the United States Attorney  
BY: CAELAINN CARNEY  
601 D Street, NW  
Washington, DC 20004

---

**SONJA L. REEVES**  
Registered Diplomat Reporter  
Certified Realtime Reporter  
Federal Official Court Reporter  
333 Constitution Avenue, NW  
Washington, DC 20001  
Transcript Produced from the Digital Record

1 (Call to Order of the Court at 2:29 p.m.)

2 DEPUTY CLERK: Good afternoon, Your Honor. We have  
3 one grand jury return before you today. This is grand jury  
4 September 4. The foreperson is present in the courtroom.

5 Please refer to defendants by initials only. Will the  
6 assistant introduce themselves to the Court.

7 MS. CARNEY: Good afternoon, Your Honor. Caelainn  
8 Carney for the United States.

9 THE COURT: All right. We have a grand jury return  
10 today.

11 (Pause)

12 THE COURT: Okay. So I understand you have gone to a  
13 Superior Court grand jury. This is a case for which the docket  
14 reflects that the federal grand jury refused to charge the  
15 case, and so can you please remind me of the authority to bring  
16 matters from a Superior Court grand jury.

17 MS. CARNEY: Yes. It is DC Code 11-1916.

18 THE COURT: 19 --

19 MS. CARNEY: -- 16. And I have a couple of cases that  
20 I can provide to the Court if they are helpful as well.

21 THE COURT: That would be great. Can you -- that  
22 would be super helpful. Can you go ahead, but talk slowly. Go  
23 ahead.

24 MS. CARNEY: Okay. First case for Your Honor is  
25 *United States versus Allen*, 729 F. Supp 120.

1 THE COURT: 729 F. Supp 120.

2 MS. CARNEY: Uh-huh. And then from the Court of  
3 Appeals, *United States versus Seals*, 130 F.3d --

4 THE COURT: Hold on. 130 F.3d, got it.

5 MS. CARNEY: -- 451.

6 THE COURT: 451.

7 MS. CARNEY: Yes, Your Honor.

8 And then not squarely on point, but I think  
9 illustrative is *United States versus Brown*. I can give the  
10 Westlaw or Lexis cite.

11 THE COURT: Westlaw. I don't do Lexis.

12 MS. CARNEY: 2007 WL 2007513.

13 THE COURT: 200 --

14 MS. CARNEY: -- 7513.

15 And then an example, Your Honor, of when this was  
16 done --

17 THE COURT: Oh, I don't need an example. I just want  
18 to read the cases. That's fine for now.

19 I'm going to go review these cases and then return.

20 You can express my concerns to your management that it  
21 is troubling when federal grand juries are now, if they are  
22 returning no bills, if the solution is to just go to Superior  
23 Court.

24 Every day there is something new that I have not seen  
25 before this court in the decades that I have been in federal

1 court, but that's fine. You all have the right to do it. I'll  
2 go check it, but I will express my concern and how troubled I  
3 am by the breaking down of norms that we're --

4 MS. CARNEY: If I may cite one more matter, Your  
5 Honor.

6 THE COURT: Please.

7 MS. CARNEY: Just from the docket. 18-cr-338.

8 THE COURT: Thank you. We'll be back. We're going to  
9 recess. Let's come back about -- we'll come back at 3 o'clock.

10 MS. CARNEY: All right. Shall I ask the foreperson to  
11 remain?

12 THE COURT: Yes.

13 MS. CARNEY: Okay.

14 (Recessed from 2:34 p.m. to 3:29 p.m.)

15 DEPUTY CLERK: Your Honor, recalling grand jury number  
16 September 4.

17 THE COURT: Okay. All right. Ms. Carney, I reviewed  
18 the cases that you have presented, and I'm not going to return  
19 the indictment. I'm going to issue a briefing. I mean, it is  
20 at best -- at best I think that it is unseemly, but I am  
21 concerned that it is unlawful, what the United States  
22 Attorney's Office wants to do here, but it is certainly  
23 unseemly that they are taking, after there is a federal grand  
24 jury that said that there was not probable cause to go forward,  
25 to then take it to a Superior Court grand jury, that I can only

1 imagine did not know that, and then try to do it there.

2           We have never had federal grand juries -- I'm sorry,  
3 Superior Court grand juries return federal, other than, as you  
4 indicated, during COVID, and two of the cases you supported are  
5 ones where the superior court grand jurors were being  
6 threatened. So it makes some sense that in those cases there  
7 was unavailability of that grand jury potentially, but the law  
8 that you cited simply appears to indicate that a Superior Court  
9 matter can be returned in federal court for Superior Court  
10 charges. That is just the federal court charge. It's nothing  
11 else.

12           I have spoken to my colleagues. No one else can  
13 recall anything of this happening certainly in the last several  
14 years where -- and I can tell you this: It has never happened  
15 in this district, or I doubt certainly anywhere, that if it  
16 could, where it was after a no bill has happened, they forum  
17 shopped and went to another grand jury to have them bring back  
18 their case.

19           This desire to just at all costs get people charged  
20 and arrested is losing, every day, credibility before the  
21 court. There is a cost that happens when people are only --  
22 when the ends justify the means. And if the ends here are  
23 simply to get more arrests and for people -- and the residents  
24 of DC have spoken in this grand jury. There are other federal  
25 grand juries. I'm not sure why you all didn't start with other

1 grand juries here and get no billed by the other grand juries  
2 or return true bills, but that there was a run to the Superior  
3 Court grand jury separate and apart from that is extremely  
4 concerning, it's frightening, and seems to be part of an  
5 overall plan to just at all costs get charges and arrests and  
6 convictions -- well, not convictions, because we haven't gotten  
7 that far. In fact, you're getting further and further away  
8 from that. You can't even get grand juries returned now,  
9 because the public seems to have lost all faith in the process.

10 And so I'm going to set a briefing schedule. I'll  
11 issue a minute order today doing that. I will not return this.  
12 You all can do with that whatever you want and speak to your  
13 management. I will set a quick clock on this.

14 As I understand it from Judge Sharbaugh that he  
15 continued the preliminary hearing in this matter.

16 Is it your case, Ms. Carney?

17 MS. CARNEY: Yes, Your Honor.

18 THE COURT: When was the preliminary hearing continued  
19 until?

20 MS. CARNEY: The 9th.

21 I'll just note for the record, Your Honor, there is no  
22 grand jury sitting in this courthouse today.

23 THE COURT: Okay. What about tomorrow or the next day  
24 or any other day this week? You can't seriously say there is  
25 not another grand jury sitting, correct? What about before

1 October 9th, is there another grand jury sitting, federal grand  
2 jury?

3 MS. CARNEY: Yes, Your Honor. It is our position,  
4 though, that they --

5 THE COURT: I understand that it's your position. You  
6 have that authority. It is my position to both be frightened  
7 of what your office is doing and to seek briefing on it.

8 October 9th is when you have your next hearing, so  
9 we'll have this resolved before then. You have until Friday to  
10 file whatever -- whatever points of authorities that you think  
11 support, and I will have his defense counsel file their  
12 response by the 7th. So that gives me one day, the 8th.

13 What time is your hearing on the 9th?

14 MS. CARNEY: I believe it's 11:00 a.m. Let me check  
15 that, Your Honor.

16 THE COURT: Great. So you're going to need to have  
17 your foreperson available or a representative of that grand  
18 jury. If we're going to return the indictment then, I'll go  
19 ahead and return the indictment, and, if not, then we'll have a  
20 preliminary hearing.

21 MS. CARNEY: On the 9th?

22 THE COURT: Yes, at 11:00 a.m. So we'll have a  
23 hearing on this at that time.

24 MS. CARNEY: It's 11:00, correct, Your Honor.

25 THE COURT: There is a reason things have never been

1 done before. There are reasons there are norms. And it's the  
2 job of supervisors and management to make sure that those norms  
3 that are appropriate and have occurred for generations don't  
4 get thrown out the window to go after one charge.

5 Before today, before three weeks ago, if this would  
6 have happened, I wouldn't even have given it a second thought,  
7 but I am now in the unfortunate situation, as I have said  
8 before, I no longer trust that when prosecutors are coming  
9 forward, they are doing things because their managers want the  
10 right thing to be done.

11 It has nothing to do with you, Ms. Carney. I assume  
12 you do not make the decisions of what's being done in cases,  
13 because, as I have said, I had an AUSA had to run into the  
14 hallway to see if she could get permission to not object to a  
15 finding of indigency for a defendant. As I understand it,  
16 everything has to go by management, which is baffling, because,  
17 as AUSAs, you should have the responsibility and discretion to  
18 do what you think is appropriate, but part of what is  
19 appropriate is what has happened for generations.

20 No one has ever, after a no bill, gone to Superior  
21 Court and then brought a case here. The rules -- the good guys  
22 play by the rules. That's what they are there for. We don't  
23 need -- when you are a prosecutor, I was taught to go and just  
24 get a charge or get an arrest, because people always do bad  
25 stuff, they will keep doing bad stuff, and, you know what, you

1 always take the high road.

2 So I'm just absolutely flummoxed as to why this is  
3 being done. Why not wait for another grand jury in federal  
4 court and see what has happened. If grand juries won't charge  
5 cases, the solution is not to run to other grand juries. It's  
6 to then -- perhaps there is a message to be taken that the  
7 system has been set up by the founders in Congress that says  
8 this is not a charge to go forward on.

9 That's it. You're excused. Thank you for providing  
10 authority. Have a good day, Ms. Carney.

11 MS. CARNEY: Thank you.

12 (Proceedings concluded at 3:36 p.m.)

13

14

CERTIFICATE

15 I, Sonja L. Reeves, Federal Official Court Reporter in and  
16 for the United States District Court of the District of  
17 Columbia, do hereby certify that the foregoing transcript is a  
18 true and accurate transcript from the digital record in the  
above-entitled matter and that the transcript page format is in  
conformance with the regulations of the Judicial Conference of  
the United States.

19 Dated this 2nd day of October, 2025.

20

21

/s/ Sonja L. Reeves  
SONJA L. REEVES, RDR-CRR  
FEDERAL OFFICIAL COURT REPORTER

22

23

24

25