

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

V.

ALAN WILLIAM BYERLY

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CASE NO. 21-MJ-500 (GMH)

ORDER

AND NOW, this day of August, 2021, upon review of Defendant Alan William Byerly's Unopposed Motion to Continue Detention Hearing and Exclude Time Under the Speedy Trial Act this Court having found good cause exists, it is hereby **ORDERED** that said Motion is **GRANTED** and this matter is continued until _____ day of August, 2021, for a detention hearing. All time between July 30, 2021 and the date of the rescheduled detention hearing is hereby excluded for purpose of the Speedy Trial Act 18 U.S.C. § 3161 (h)(7)(A).

BY THE COURT:

G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE

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CASE NO. 21-MJ-500 (GMH)

**UNOPPOSED MOTION TO CONTINUE DETENTION HEARING
AND EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

Defendant, Alan William Byerly, through undersigned counsel, hereby moves this Court to Continue the Detention Hearing scheduled on July 30, 2021 and in support thereof avers as follows:

1. Defendant is charged in this matter by way of Criminal Complaint with the following violations: Assault on a Federal Officer 18 U.S.C. § 111 (b); Obstruction of Law Enforcement During Civil Disorder 18 U.S.C. § 231 (a)(3); Knowingly Entering or Remaining in any Restricted Building on Grounds without Lawful Authority and Engaging in Physical Violence 18 U.S.C. § 1752 (a)(1), (2) and (4); Violent Entry and Disorderly Conduct on Capital Grounds 40 U.S.C. § 5104 (e)(2)(F); and Assault 18 U.S.C. § 113 (a)(4) and (5).
2. The government filed a Motion And Memorandum For Pretrial Detention on July 16, 2021. (“Government’s Detention Motion”)
3. Thereafter, undersigned counsel was appointed to represent Mr. Byerly on July 27, 2021.
4. The detention hearing in this matter is currently scheduled for July 30, 2021.
5. Undersigned counsel avers pursuant to 18 U.S.C. § 3142 (f)(2)(B) that good cause exists to continue this matter for at least one week in accordance with this Court’s schedule.

Specifically, counsel needs additional time to prepare his response to the Government's Detention Motion and to prepare for the detention hearing.

6. Undersigned counsel has spoken with assigned Assistant United States Attorney Anita Eve and she has no objection to this motion.

7. It is also averred by undersigned counsel that the time between July 30, 2021 and the new date of the rescheduled detention hearing shall be excluded for purposes of the Speedy Trial Act 18 U.S.C. § 3161 (h)(7)(A) and that the ends of justice served by granting this continuance outweigh the interests of the public and Mr. Byerly to a speedy trial.

8. Defendant Alan William Byerly is in agreement with all of the averments made in this motion.

Respectfully,

/s/ James J. McHugh, Jr.
JAMES J. McHUGH, JR.
Assistant Federal Defender

CERTIFICATE OF SERVICE

I, James J. McHugh, Jr, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I have filed and served a copy of Defendant's Unopposed Motion to Continue Detention Hearing and Exclude Time Under the Speedy Trial Act, through the District of Columbia Clerk's Office Electronic Case Filing ("ECF") and/or by electronic mail upon:

Anita D. Eve
Assistant United States Attorney
United States Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106.

/s/ James J. McHugh, Jr.
JAMES J. McHUGH, JR
Assistant Federal Defender

DATE: August 2, 2021