

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

UNITED STATES OF AMERICA

V.

ALAN WILLIAM BYERLY

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CASE NUMBER 21-CR-527

JOINT STATUS REPORT

Pursuant to the Court's instruction at the June 10, 2022 status hearing, Alan William Byerly, by and through his attorneys, James J. McHugh, Jr., and Hunter S. Labovitz, Assistant Federal Defenders, Federal Community Defender Office for the Eastern District of Pennsylvania, submit this joint status report to advise the Court about the status of this matter:

1. On September 9, 2021, the United States Attorney for the District of the District of Columbia filed an 8-count superseding indictment charging Alan Byerly with conduct related to incidents at the United States Capitol on January 6, 2021, including assault on a law enforcement officer with a dangerous or deadly weapon in violation of 18 U.S.C. § 111(a)(1) and (b).

2. On November 12, 2021, Mr. Byerly was arraigned before the Honorable Randolph D. Moss and entered a plea of not guilty.

3. Mr. Byerly is currently detained at the Correctional Treatment Facility in Washington, D.C.

4. At the last status conference before the Court on June 10, 2022, the Court asked the parties to file a joint status report by July 8, 2022.

5. The parties are engaged in good faith discussions concerning a non-trial resolution of this matter. The parties are nearing completion of these discussions, specifically as

to agreed-upon language for the Statement of Offense and the plea offer letter. Additional time is necessary to resolve the remaining issues.

6. The parties will file a joint status report on or before July 22, 2022 advising the Court about the status of their negotiations.

7. Assistant United States Attorneys Anita D. Eve has advised undersigned counsel that she joins in this status report and has authorized counsel to represent that.

8. Under the Speedy Trial Act, Title 18 U.S.C. § 3161(h)(7)(A), (B) and (C), the period of delay resulting from a continuance is excludable where granting the continuance serves the ends of justice and outweighs the best interest of the public and the defendant in a speedy trial. Defense counsel agrees that all time until the filing of the next status report would be excludable time under the Speedy Trial Act.

Respectfully submitted,

/s/ James J. McHugh, Jr.
JAMES J. MCHUGH, JR.
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/s/ Hunter S. Labovitz
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Counsel for Defendant Alan William Byerly

Dated: July 8, 2022
Philadelphia, PA

CERTIFICATE OF SERVICE

I, Hunter S. Labovitz, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I filed the attached Unopposed Motion to Modify Scheduling Order and Continue Trial via the Court's Electronic Filing (ECF) system, which sent notification to Anita D. Eve, Assistant United States Attorney, Suite 1250, 615 Chestnut Street, Philadelphia, PA 19106, via her email address (Anita.Eve@usdoj.gov), and to Caroline Burrell, Assistant United States Attorney, 555 4th Street, NW, Washington, DC 20530, via her email address (Caroline.Burrell@usdoj.gov).

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

/s/ Hunter S. Labovitz
HUNTER S. LABOVITZ
Assistant Federal Defender

DATE: July 8, 2022