

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

UNITED STATES OF AMERICA

v.

BENJAMIN LAROCCA and

CRISTIAN CORTEZ

Case No. 1:21-cr-317 (TSC)

DEFENDANT'S JOINT MOTION TO CONTINUE

Defendants Benjamin Larocca and Christian Cortez hereby move to vacate the December 15, 2021 status hearing scheduled in the above-captioned matter, for a 90-day continuance. A new status hearing date is requested.

On April 23, 2021, Defendants were charged in a five-count indictment with obstruction of an official proceeding, entering and remaining in a restricted building, disorderly conduct in a restricted building, disorderly conduct in a capitol building, and parading, demonstrating or picketing in a capitol building based on the events at the United States Capitol on January 6, 2021. Both defendants are on bond and reside in Texas.

The United States has produced a voluminous amount of discovery that defense counsel and the defendants have not yet been able to review. This discovery includes thousands of videos which have been recently produced. Additional discovery is expected.

Undersigned counsel have identified certain legal and factual issues that require further investigation. Undersigned counsel need more time to complete their investigation and analysis, and then to file pretrial motions, if necessary, and to prepare for trial, if necessary. Moreover, additional time is needed to discuss the case with the defendants.

The defendants respectfully submit that the best interests of justice served by granting this motion for a continuance substantially outweigh the interests of the defendants and the community in a speedy trial, and that failure to grant the continuance would deprive defense counsel of sufficient time to prepare for trial.

The United States is unopposed to this motion for continuance.

Respectfully submitted,

MARJORIE A. MEYERS
Federal Public Defender
Southern District of Texas No. 3233
Texas State Bar No. 14003750

By /s/ Amr A. Ahmed
AMR A. AHMED
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Southern District of Texas No. 3088803
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CERTIFICATE OF CONFERENCE

I certify that I conferred with Brett Lee, attorney for Benjamin Larocca, and determined that he joins in his motion for continuance. I further certify that I conferred with Department of Justice Trial Attorneys Kathryn Fifield and Troy Edwards and determined that the United States is unopposed to this motion for continuance.

By /s/ Amr A. Ahmed
AMR A. AHMED

CERTIFICATE OF SERVICE

I certify that on December 13, 2021, a copy of the foregoing was served by Notification of Electronic Filing and emailed to attorney Brett Lee and Department of Justice Trial Attorneys Kathryn Fifield and Troy Edwards.

By /s/ Amr A. Ahmed
AMR A. AHMED

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ORDER

The Court has considered the Joint Motion for Continuance, wherein counsel for Defendants, Benjamin Larocca and Cristian Cortez, have represented that more time is needed to conduct discovery, prepare pretrial motions, and prepare for trial, and that failure to grant a continuance would result in a miscarriage of justice. Based on the representations made in the Joint Motion for Continuance, the Court finds that the ends of justice served by granting a continuance outweigh the best interest of the public, as well as the Defendants, to a speedy trial. The Court also finds that pursuant to Title 18 U.S.C. § 3161(h)(7)(A) & (B), failure to grant a continuance would result in the miscarriage of justice, and that a continuance is necessary to allow reasonable time for trial preparation.

The Joint Motion for Continuance is therefore GRANTED. It is ORDERED that a period of excludable delay shall commence on, _____, 2021, pursuant to Title 18 U.S.C. § 3161(h)(7)(A) & (B). This matter is scheduled for a status hearing on _____, 2022.

Dated: _____, 2021

TANYA S. CHUTKAN
UNITED STATES DISTRICT JUDGE