

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

UNITED STATES OF AMERICA

v.

BRIAN E. STENZ,

Defendant.

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Case No. 1:21-CR-0456-BAH

**UNOPPOSED MOTION TO CONTINUE SEPTEMBER 17, 2021
STATUS CONFERENCE FOR 30 DAYS FILED OUT OF TIME**

The United States of America, by and through its undersigned counsel, respectfully requests this Court grant its Unopposed Motion to Continue September 17, 2021 Status Conference for 30 days Filed Out of Time. The Government further moves to exclude the period of the continuance from the computation of time under the Speedy Trial Act. In support of this motion, the Government states as follows:

1. On July 16, 2021, the Court held a Status Conference in this case. The parties discussed that discovery had been provided to the parties, and that the Government would continue to supplement discovery.

2. The Government has continued to supplement discovery.

3. The parties have discussed the possibility of pretrial resolution of case, but have not decided upon the parameters of a plea agreement.

4. On September 14, 2021, counsel for the Defendant and the Government agreed that the Court's Status Conference, which is set for September 17, 2021, should be continued for approximately 30 days. The parties in that discussion also agreed to exclude from the computation of time under the Speedy Trial Act the time between September 17, 2021, and the next set Status

Conference. The parties also request that the Court conduct the next Status Conference via videoconference.

5. The Government acknowledge that this filing is outside of the Court's requirement that parties file motions to continue within 4 business days prior to said hearing. The Government therefore files this motion out of time and submits that good cause exists to continue this hearing as there is no additional information to provide to the Court regarding the status of this case.

WHEREFORE, for the foregoing reasons, the Government respectfully requests that the Court grant this Motion to Continue September 17, 2021 Status Conference for 30 days filed out of Time, and further requests that the Court exclude the period from September 17, 2021 until the next Status Conference in this case from the computation of time under the Speedy Trial Act.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney
DC Bar No. 415793

By: /s/ Frances E. Blake
FRANCES E. BLAKE
Texas Bar No. 24089236
Assistant United States Attorney
Detailee
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CERTIFICATE OF SERVICE

On September 14, 2021, a copy of the foregoing was served on counsel of record for the defendant via the Court's Electronic Filing System.

/s/ Frances E. Blake

FRANCES E. BLAKE

Assistant United States Attorney

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ORDER

Based upon the representations in the United States' Unopposed Motion to Continue September 17, 2021 Status Conference For 30 Days Filed Out of Time, and upon consideration of the record, the Court makes the following findings:

The unusual complexity of the Capitol Attack investigation warrants the requested continuance. Given the number of individuals currently charged across the Capitol Attack investigation and the nature of those charges, the on-going investigation of many other individuals, the volume and nature of potentially discovery materials, and the reasonable time necessary for effective preparation by all parties taking into account the exercise of due diligence, the failure to grant such a continuance in this proceeding would be likely to make a continuation of this proceeding impossible, or result in a miscarriage of justice. Accordingly, the ends of justice served by granting a request for a continuance outweigh the best interest of the public and the defendant in a speedy trial.

Therefore, it is this ____ day of September, 2021,

ORDERED that the United States' Unopposed Motion to Continue September 17, 2021 Status Conference For 30 Days Filed Out of Time, is hereby GRANTED; it is further

ORDERED that this proceeding is continued to October____, 2021, at _____; and it

is further

ORDERED that the time period from the date of this Order through and including the date of the next hearing is hereby excluded from the computation of time within which an indictment must be filed under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

THE HONORABLE BERYL A. HOWELL
UNITED STATES DISTRICT CHIEF JUDGE