

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

UNITED STATES OF AMERICA :
 : **CASE NO. 21-MJ-158**
 v. :
 :
 CHRISTOPHER W. ORTIZ, :
 :
 Defendant. :

**CONSENT MOTION TO CONTINUE PRELIMINARY HEARING
AND TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia respectfully moves to continue the preliminary hearing scheduled for September 30, 2021, to November 15, 2021, and to exclude time under the Speedy Trial Act. Government counsel has conferred with defense counsel Dani Jahn, who joins in this request. The parties submit that good cause exists to continue the preliminary hearing.

On January 22, 2021, the defendant was charged in a two-count criminal complaint with knowingly entering or remaining in any restricted Capitol building or grounds without lawful authority in violation of 18 U.S.C. § 1752(a), and violent entry and disorderly conduct on Capitol grounds in violation of 40 U.S.C. § 5104(e)(2). Five days later, the defendant was arrested in New York, where he appeared for his initial appearance. He appeared before this Court for the first time on February 5, 2021. The Court scheduled a preliminary hearing for February 26, 2021, and excluded time under the Speedy Trial Act. The Court granted the government's Consent Motion to Continue that hearing until April 21, 2021, and to exclude time under the Speedy Trial Act. On April 14, 2021, the government filed a Consent Motion to Continue the hearing until June 21, 2021, which the Court granted the following day. The government subsequently filed a Consent Motion to Continue the hearing until September 30, 2021, which also was granted.

The government has provided the defense with additional discovery and anticipates extending a plea offer this week, which might obviate the need for a trial in this case. Accordingly, the parties request that the preliminary hearing be continued until November 15, 2021, and that time be excluded under the Speedy Trial Act. The Speedy Trial Act requires that the government file an information or indictment against a defendant within 30 days of arrest. 18 U.S.C. § 3161(b). However, the Act excludes any period of delay when a judge grants a continuance and finds that “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). Here, an additional exclusion of time through November 15, 2021, best serves the ends of justice and outweighs the interests of the public and the defendant in a speedy trial and indictment because the time will allow the defense to review discovery and a plea offer that might obviate the need for a trial.

WHEREFORE, the parties respectfully request that the Court continue the preliminary hearing until November 15, 2021, and exclude time through and including November 15, 2021, for purposes of any computation under the Speedy Trial Act.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
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| Defendant. | : | |

ORDER

Upon consideration of the Consent Motion to Continue Preliminary Hearing and Exclude Time Under the Speedy Trial Act, it is this ___ day of September, 2021, hereby

ORDERED that the motion is **GRANTED**; it is further

ORDERED that the preliminary hearing scheduled for September 30, 2021, is continued, for good cause, until November 15, 2021, at _____ before the Honorable Robin M. Meriweather; it is further

ORDERED that the time from September 30, 2021, through November 15, 2021, is excluded for purposes of any computation under the Speedy Trial Act, 18 U.S.C. § 3161; the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial because such time will allow the defense to review discovery and a plea offer from the government, which might obviate the need for a trial.

U.S. Magistrate Judge