

**SUPERIOR COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 1-21-cr-180 (RJL)
	:	
ELIAS COSTIANES	:	
	:	
_____	:	

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

The parties hereby move this Court to continue the scheduled status hearing in the above-captioned proceeding, and further to exclude the time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161. In support of this motion, the parties state as follows:

1. Mr Costianes is before the Court charged by Indictment with one count each of; Obstruction of Congress and Aiding and Abetting in violation of 18 U.S.C. §1512(c)(2), 2; Entering and Remaining in a Restricted Building or Grounds in violation of 18 U.S.C. § 1752(a)(1); Disorderly and Disruptive Conduct in a Restricted Building or Grounds in violation of 18 U.S.C. § 1752 (a)(2); Entering and Remaining in the Gallery of Congress in violation of 40 U.S.C. §5104(e)(2)(B); Disorderly Conduct in a Capitol Building in violation of 40 U.S.C. §5104(e)(2)(D), and Demonstrating or Picketing in a Capitol Building in violation of 40 U.S.C. § 5104(e)(2)(G). A status hearing is currently set for Wednesday 1st February, 2023.

2. The parties are engaged in discussions relating to discovery issues and potential disposition options. As of 27th January, 2023, the government has provided additional discovery. With potential disposition options being discussed, this additional discovery needs to be assessed and shared with Mr Costianes. Additionally, counsel will be starting a 4-6 week trial on another January 6th matter on the 1st February, 2023.
3. The parties have discussed a new hearing date. Due to counsel's trial schedule, we anticipate a new date in the latter part of March 2023. The parties suggest a date the week of 20 March 2023. We request the Court set the new status hearing at its convenience that week.
4. Mr Costianes agrees that the time limits mandated by 18 U.S.C. § 3161 are tolled for the period between the current status hearing and the date agreed upon for the next hearing.
5. The government consents to this request.

WHEREFORE, for the above reasons, the parties respectfully request that this Court grant this Consent Motion to Continue Status Hearing in the above-captioned proceeding.

Respectfully Submitted,

/s/ Peter A. Cooper

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Consent Motion to Continue Status Hearing and to Exclude Time Under the Speedy Time Act is being filed via the Electronic Court Filing System (ECF), causing a copy to be served upon government counsel of record, this 31st day of January, 2023.

/s/ Peter A. Cooper

Peter A. Cooper