

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

UNITED STATES OF AMERICA,)	CRIMINAL ACTION NO.
)	
Plaintiff,)	1:21-CR-00119-CJN
)	
v.)	
)	
GARRET MILLER,)	
)	
)	
Defendant.)	
_____)	

MOTION TO HOLD STATUS CONFERENCE

Defendant Garret Miller hereby moves this Court to hold a Status Conference in this case. In support of this motion, Mr. Miller sets forth the following facts and argument.

1. The trial in this case is currently set for October 11, 2022 and pretrial motions are due on August 12, 2022.

2. The government has taken an interlocutory appeal of this Court's dismissal of Count Three of the Second Superseding Indictment.

3. The District of Columbia Court of Appeals has set a briefing schedule for the government's interlocutory appeal with the final brief (the government's reply brief) due on September 28, 2022, assuming that no extensions are requested.

4. It is also likely that Mr. Miller's appeal could be consolidated with other

appeals that could extend the appellate timeline.

5. Suffice it to say that it is almost certain that the government's interlocutory appeal will not be decided prior to October 12, 2022. Moreover, it is likely that at least one of the parties would seek a Writ of Certiorari following the decision by the Court of Appeals.

6. It does not appear that the interlocutory appeal automatically results in a stay of the remaining counts against Mr. Miller. *See United States v. Defires*, 129 F.3d 1293(D.C. Cir. 1997).

7. As of this date, the government has not indicated whether it will seek a stay of the trial in this matter and Undersigned Counsel has been unsuccessful in reaching the government to discuss this matter.

8. Undersigned Counsel respectfully suggests that a Status Conference would be appropriate so that a determination could be made as to whether this case will proceed to trial as scheduled.

9. Undersigned Counsel further suggests that the Status Conference be held sufficiently in advance of the pretrial motion deadline and, if possible, by video conference.¹

¹Undersigned Counsel will be on vacation from August 8, 2022-August 12, 2022.

WHEREFORE, Defendant Garret Miller respectfully requests this Court to hold a Status Conference in this case.

Respectfully submitted,

/s/ F. Clinton Broden
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Attorney for Defendant
Garret Miller

CERTIFICATE OF CONFERENCE

I, F. Clinton Broden, certify that I attempted to conference on the above motion with the United States by telephone on July 22, 2022, but did not receive a response at the time of the filing of this motion.

CERTIFICATE OF SERVICE

I, F. Clinton Broden, certify that, on July 25, 2022 I caused a copy of the above document to be served by electronic means (ECF) on all counsel of record.

/s/ F. Clinton Broden
F. Clinton Broden