

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : Case No. 21-mj-630-RMM  
 :  
 LANDON BRYCE MITCHELL, :  
 :  
 Defendant. :  
 :

**UNOPPOSED MOTION TO TOLL AND  
TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America respectfully moves the Court to toll the time within which defendant Landon Bryce Mitchell must be charged by information or indictment pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

In support of the Motion, the Government states as follows:

1. On October 19, 2021, Mitchell was arrested and made his initial appearance before United States Magistrate Judge G. Michael Harvey. *See* ECF Entry, 10/20/21.
2. At that hearing, the Court granted an oral motion for Mitchell’s release from pretrial custody. *Id.*
3. The Court also granted the Defendant’s unopposed oral motion for a waiver of the provisions of the Speedy Trial Act, finding that the ends of justice justified excluding the time between October 20, 2021 and December 21, 2021 “from calculation under the Speedy Trial Act.” *Id.*
4. The next hearing in this case is scheduled for December 21, 2021 at 1:00 pm before United States Magistrate Judge Zia M. Faruqui.

5. Although the Court granted the Defendant's oral motion, the electronic case entries do not specifically address the 30-day period for filing an indictment or information set forth in 18 U.S.C. § 3161(b). Accordingly, in an abundance of caution, the United States requests that the Court specifically find that the exclusion of time between October 20, 2021 and December 21, 2021 from calculation under the Speedy Trial Act also applies to the filing of an indictment or information as to Mitchell.

6. Defense counsel Dani Jahn has stated that she construes the exclusion of time requested by Defendant and granted by the Court to apply to both indictment and trial rights. Accordingly, the United States believes that this clarifying motion is unopposed.

7. Because the Court has entered a Protective Order in this case, the United States anticipates promptly providing preliminary discovery to Mitchell and sharing the general discovery provided to all defendants alleged to have committed unlawful acts in connection with the breach of the U.S. Capitol Building on January 6, 2021.

8. The parties are in agreement that the time between October 20, 2021, and December 21, 2021, should be tolled in accordance with the Speedy Trial Act.

WHEREFORE, the government respectfully requests that this Court exclude the time within which defendant Landon Bryce Mitchell must be charged by information or indictment, pursuant to the Speedy Trial Act, from October 20, 2021, through December 21, 2021, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

Respectfully submitted,

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

By: /s/ Jordan A. Konig  
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CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all parties listed on the Electronic Case Filing (ECF) System.

By: /s/ Jordan A. Konig  
JORDAN A. KONIG  
Trial Attorney, U.S. Department of Justice

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

**UNITED STATES OF AMERICA**

v.

**LANDON BRYCE MITCHELL,**

**Defendant.**

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**Case No. 21-mj-630-RMM**

**ORDER**

Upon consideration of the Government’s Unopposed Motion to Toll and to Exclude Time Under the Speedy Trial Act, it is this \_\_\_ day of \_\_\_\_\_, 2021 hereby

**ORDERED**, that the Motion to Toll Time is **GRANTED** and the time from October 20, 2021, through December 21, 2021, will be excluded from the time within which defendant Landon Bryce Mitchell must be charged by information or indictment pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), pursuant to 18 U.S.C. § 3161(h)(7). The exclusion would serve the ends of justice and outweigh the interest of the public and of Mr. Mitchell in a speedy trial.

**SO ORDERED**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
**UNITED STATES MAGISTRATE JUDGE**