

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES

v.

LEWIS CANTWELL,

Defendant.

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Criminal No. 21-0089(EGS)

DEFENDANT’S CONSENT MOTION TO CONTINUE STATUS HEARING

Defendant Lewis Cantwell (“Cantwell”), by and through undersigned counsel, and pursuant to Fed. R. Crim. P. 45(b), hereby moves this Honorable Court for a brief continuance of the status hearing currently scheduled for August 12, 2021.

In support of this motion, Mr. Cantwell states as follows:

1. The Court has scheduled a status hearing in this matter for August 12, 2021.

2. Both government and defense counsel are on vacation the week of the status hearing and are unavailable to appear for the status hearing.

3. Under the Speedy Trial Act, the trial of a defendant charged in an indictment “shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.” 18 U.S.C. § 3161(c)(1).

4. Nonetheless, this Court may exclude time where “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). In determining whether the ends of justice are so

served, this Court shall consider whether “Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny ... counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).

5. Additionally, Mr. Cantwell consents to a tolling of the speedy trial act until the next scheduled hearing.

6. The government consents to this motion.

7. The parties are available for a status hearing on the morning of August 17; and the afternoon of August 18 and 19; or at the convenience of the Court.

WHEREFORE, for the foregoing reasons, Mr. Cantwell respectfully requests that this Motion be **GRANTED**.

Dated: Washington, DC
August 10, 2021

Respectfully submitted,

BALAREZO LAW

/s/

By: _____

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Counsel for Defendant Lewis Cantwell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of August 2021, I caused a true and correct copy of the foregoing Defendant's Consent Motion to Continue Status Hearing to be delivered to the Parties via ECF.

/s/

A. Eduardo Balarezo

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ORDER

Upon consideration of Defendant Cantwell’s Consent Motion to Continue Status Hearing, it is this ___ day of _____ 2021, hereby

ORDERED, that Defendant’s Motion is GRANTED; and it is further

ORDERED, that the status hearing scheduled for August 12, 2021, is VACATED and continued to _____ 2021.

Additionally, The Court finds that the ends of justice served by continuing the hearing outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Accordingly, the Court shall exclude from the speedy trial calculation any time between August 12, 2021, and the new hearing date.

EMMET G. SULLIVAN
UNITED STATES DISTRICT JUDGE