

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

UNITED STATES OF AMERICA	:	
	:	No.: 21-cr-508-BAH
	:	
v.	:	
	:	
LUKE WESSLEY BENDER,	:	
<i>Defendant.</i>	:	

**JOINT MOTION TO MODIFY COURT ORDER, CONTINUE
STATUS HEARING, AND EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America and Defendant Luke Wessley Bender, through their respective undersigned counsel, file the present motion seeking a modification of the Court’s May 11, 2022 Minute Order, the continuance of the Court’s May 20, 2022 status hearing, and exclusion of time under the Speedy Trial Act, and state as follows:

1. On August 4, 2021, the Defendant was charged by Indictment with six offenses relating to the events that occurred on January 6, 2021 at the United States Capitol.
2. A status hearing is currently set in this matter for May 20, 2022 and on May 11, 2022, the Court issued a Minute Order requiring the “parties jointly to file a statement, by noon on May 16, 2022, informing the Court whether any outstanding plea offers will have expired by May 20, 2022 and if so, the parties shall provide the Court with three proposed trial dates, a proposed motions schedule, and an estimated trial duration, so that the Court may set a trial schedule at or before the May 20, 2022 hearing.”
3. The United States of America has notified Mr. Bender that it anticipates filing a motion to join this matter for trial with related case *United States v. Landon Bryce Mitchell*, 21-cr-717–BAH that is currently assigned to this Court and which has a status hearing date set for

June 24, 2022 and a deadline to submit a proposed joint report to the Court by June 20, 2022 that “provide[s] 3 proposed dates for trial and a schedule for pretrial motions and pretrial conference.”

4. The parties jointly request that the status hearing in this matter on May 20, 2022 be vacated and this matter be set on the Court’s calendar at the same time as the *Mitchell* matter (June 24, 2022 at 9:15 a.m.) and that the parties be permitted to submit a joint status report in this case on June 20, 2022 (the same date as the *Mitchell* matter), so that to the extent this Court grants the Government’s request to join the cases for trial, all parties (and the Court) are aware of any trial or pretrial conflicts and that these matters proceed on identical tracks.

5. Mr. Bender understands that he has a right to a speedy trial and agrees to the exclusion of time under the Speedy Trial Act from May 20, 2022 until June 24, 2022 as Mr. Bender’s counsel plans to use the additional period of time to review discovery relating to the *Mitchell* matter so as to be prepared to represent Mr. Bender’s position on the motion to join cases for trial and to present any potential objections to that request.

6. For the aforementioned reasons, the parties respectfully request that the Court find that all time from May 20, 2022 until June 24, 2022, shall be excluded from the calculation of time pursuant to the Speedy Trial Act under 18 U.S.C. § 3161(h)(7)(A) because the ends of justice served by the continuance outweigh the best interest of the public and the Defendant in a speedy trial. An appropriate proposed Order granting the requested relief accompanies this Motion.

Dated: May 13, 2022

Respectfully submitted,

/s/ Christopher Macchiaroli

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