

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARC BRU,

Defendant.

Case No. 21-cr-00352-JEB

**SECOND MOTION TO CONTINUE
OCTOBER 2, 2023, TRIAL**

Defendant, Marc Bru, pro se, moves this Court under the Fifth and Sixth Amendments of the U.S. Constitution for a short continuance of trial, currently slated to begin on October 2, 2023, to allow Mr. Bru a fair opportunity to prepare.

While Mr. Bru maintains his request for a longer continuance¹ of approximately 60 days to allow him an adequate opportunity to prepare for trial, he respects the Court's ruling and is working diligently, when he is able, with standby counsel to prepare for trial.

Yet, Mr. Bru has continued to experience significant adversity due to his custodial circumstances. Since he arrived in Washington, D.C., on September 18, he has been subject to 23-hour lockdowns at the Central Detention Facility, apparently due to the resurgence of COVID. Because of these lockdowns, his calls and access to legal materials have been extremely limited.

Fortunately, Mr. Bru was moved to a new section of the jail on September 27, 2023, where he is no longer on lockdown, and it is believed he will now have more liberal access to the tools he needs to prepare for trial. To that end, the government has provided the

¹ ECF 75-1.

Central Detention Facility with a disk containing its planned trial exhibits and Jencks Act material so that Mr. Bru can prepare for trial without the constant presence of standby counsel. While the government's effort is appreciated, it is unclear, thus far, what kind of access Mr. Bru will have to these materials over the next three days within the institution.

On September 28, 2023, Mr. Bru agreed to waive a jury for his forthcoming trial.² Given this waiver, it is likely that his trial will be completed in a much shorter amount of time. In light of the jury trial waiver, standby counsel discussed delaying the start of the trial with Assistant United States Attorney Michael Gordon, who did not oppose delaying the start of trial by one day.

Given the circumstances—the delay in his transport to Washington, D.C., the lack of meaningful access Mr. Bru has had to discovery due to this delay,³ and the lockdowns Mr. Bru has experienced upon arrival in Washington, D.C.—it remains extremely unlikely that Mr. Bru will be able to adequately prepare for trial by October 3, 2023. That being said, delaying the start of trial by one day will make a meaningful difference; it will afford Mr. Bru additional opportunity to meet with standby counsel, review discovery, and develop his defense, and it is the understanding of standby counsel that this delay would not significantly prejudice, or otherwise inconvenience the government.

² ECF 82.

³ While much of the discovery in this was produced prior to Mr. Bru's June failure to appear for court, Mr. Bru has not had an opportunity to review the most recent, August 11, 2023, production given the circumstances of his incarceration.

Again, while maintaining his prior request for a longer continuance, Mr. Bru respectfully requests, in the alternative, that his trial commence on October 3, 2023.

DATED this 28th day of September, 2023.

Respectfully submitted,

/s/ Ben W. Muse for

Marc Bru, Defendant

pro se

Certificate of Service:

I hereby certify that I electronically filed the foregoing and any attachments with the Clerk of Court for the United States District Court for the District of Columbia by using the district's CM/ECF system on September 28, 2023. All participants in this case are registered CM/ECF users and will be served by the district's CM/ECF system.

/s/ Ben W. Muse

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Proposed **ORDER RE SECOND
MOTION TO CONTINUE
OCTOBER 2, 2023, TRIAL**

After due consideration, the Defendant's Motion to Continue Trial is GRANTED.

Trial shall be continued to October 3, 2023.

DATED this ___ day of September, 2023.

Judge James E. Boasberg
UNITED STATES DISTRICT COURT