

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

UNITED STATES OF AMERICA :
 :
 v. : **Crim. No. 21-CR-567 (RCL)**
 :
MARSHALL NEEFE and :
CHARLES BRADFORD SMITH, :
also known as Brad Smith, :
Defendants. :

**UNITED STATES' UNOPPOSED MOTION TO CONTINUE STATUS CONFERENCE
AND TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT**

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully moves this Court to continue the status conference set for defendants Marshall Neefe and Charles Bradford Smith (also known as Brad Smith) (collectively, "Defendants") currently set for December 16, 2021, at 12:30 p.m., and to exclude time under the Speedy Trial Act. Counsel for Defendants do not oppose this motion. In support of this unopposed motion, the government now states the following:

1. On September 8, 2021, a grand jury returned a speaking 15-count indictment (ECF No. 1) against Defendants related to their alleged conduct during the breach of and riot at the United States Capitol in Washington, D.C., on January 6, 2021.

2. Following their initial appearances in the District of Columbia, Neefe was ordered detained pending trial and Smith was ordered released to home confinement, and this Court set an initial status conference for September 30, 2021. Upon an unopposed government motion to continue that status conference, the Court continued the status conference to December 16, 2021, at 12:30 p.m.

3. Since September, the government has provided a significant amount of discovery to Defendants, detailed, in part, in ECF Nos. 18, 24, 30, 32, and 33. The government has also produced or granted Defendants' counsel access to sets of voluminous discovery that are being produced to defense counsel in all Capitol-riot cases. In addition, on December 8, 2021, the government produced the lion's share of the Federal Bureau of Investigation's ("FBI") discoverable case files to Defendants' counsel via the USAfx file-share application. Due to data review issues, the government still has not produced the data from Neefe and Smith's seized devices, including cellphones, but the FBI has represented that it believes it has the problem resolved and is attempting to parse through the data in the next week. In any event, the government will produce the remaining discovery shortly after it is ready to disclose.

4. Should the Court be inclined to continue the status conference, the parties are available at any time from January 31 through February 4, 2022.

5. If the Court grants the continuance, the government also moves the Court to exclude the period from December 16, 2021, until the continuance date from the computation of time for which a trial date must be set under the Speedy Trial Act, 18 U.S.C. § 3161 ("STA"), for the reasons the government articulated in ECF No. 28, and in consideration of the discovery issues discussed earlier. The government also requests that the Court find the ends of justice served by granting this continuance outweigh the interests of the public and Defendants in a speedy trial.

WHEREFORE, for the foregoing reasons, the government respectfully requests that the Court GRANT this unopposed motion to continue the status conference and to exclude the period from December 16, 2021, until the next Court date from the computation of time under the STA.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 9, 2021, I served a copy of this pleading on all parties to this matter through the Court's electronic case files system.

/s/ Seth Adam Meinero
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Trial Attorney (Detailee)