

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 21-CR-178 (APM)
	:	
JEFFREY BROWN,	:	
Defendant.	:	

**DEFENDANT JEFFREY BROWN'S MOTION TO
VACATE DATES AND SCHEDULE A STATUS HEARING**

Defendant Jeffrey Brown, through counsel, respectfully requests that this Court vacate, or continue, the currently scheduled trial date and all pre-trial scheduling deadlines for good cause shown. In support thereof, the Defendant states as follows:

1. On August 26, 2021, Mr. Brown, was arrested in his home state of California on an arrest warrant issued in the United States District Court for the District of Columbia in connection with a Criminal Complaint related to January 6, 2021. [Dkt. 1.]
2. On October 27, 2021, a superseding indictment was issued, joining Mr. Brown with defendant Peter J. Schwartz for the first time. [Dkt. 42.] While Mr. Brown had been arrested only recently, Mr. Schwartz has been confined since February 2021.
3. The Court held a November 5, 2021, status conference at which it set pre-trial deadlines and scheduled a February 1, 2022, trial. [Dkt. 46.] At the time of the November 5 hearing, counsel had some preliminary discovery, but did not yet have formal discovery due to the case's recent indictment and arraignment.
4. The Government subsequently produced limited formal discovery, which counsel is attempting to deliver to Defendant at the District of Columbia Central Treatment Facility (CTF). The Government has been helpful in providing the appropriate

coordinating instruction for delivery of electronic discovery to Defendant through the CTF's litigation unit, but counsel does not yet have confirmation that Mr. Brown has received and had the ability to review this discovery.

5. In light of the early posture of this case, the inability for Mr. Brown to review discovery, and the joint posture of the Defendants—who likely have divergent interests—counsel and Defendant Jeffrey Brown are not yet able to make appropriate decisions regarding motions, resolution possibilities, and trial decisions.
6. Defendant Jeffrey Brown therefore respectfully requests that the Court vacate the currently scheduled pre-trial deadlines and trial date, and that the Court order a status date instead to allow time for receipt and review of discovery before important procedural and constitutional decisions are made. In the alternative, Defendant requests a continuance of the currently schedule scheduling and trial dates. Defendant and counsel believe that failure to grant this continuance “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv). Therefore, “the ends of justice served by the granting of such continuance [will] outweigh the best interests of the public and the defendant in a speedy trial,” 18 U.S.C. § 3161(h)(7)(A). Defendant agrees that pursuant to 18 U.S.C. § 3161, the time requested under this Motion shall be excluded in computing the date for speedy trial in this case.
7. Counsel conferred with counsel for co-defendant Peter Schwartz, and there is no objection to this request. Mr. Schwartz has filed a similar Motion [Dkt. 56] due to the appearance of new counsel.

Wherefore, Defendant Jeffrey Brown respectfully requests that the Court vacate the

currently-schedule pre-trial and trial dates and set a status date for this matter.

Respectfully submitted,

Jeffrey S. Brown
By Counsel

/s/ Samuel C. Moore

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CERTIFICATE OF SERVICE

I hereby certify that a copy of Defendant Jeffrey Brown's Motion to Vacate was served upon counsel of record through ECF on the date of filing.

/s/ Samuel C. Moore

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