

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

UNITED STATES OF AMERICA : **CRIMINAL NO.: 21-CR-235 (RJL)**
:
v. :
:
RICHARD FRANKLIN BARNARD and, :
JEFFREY SHANE WITCHER :
:
Defendant. :
:
_____ :

UNOPPOSED GOVERNMENT'S MOTION TO DOCKET STATUS HEARING

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this unopposed motion to docket a plea hearing in the above captioned case. In support of its motion, the United States relies on the following points and authorities and any other such points and authorities as may be raised at any hearing on this matter.

1) The above captioned matter was heard by U.S. Magistrate Judge G. Michael Harvey on April 19, 2021, wherein the Court arraigned both defendants on the indictment and set pretrial conditions of release. At this hearing Defendant Barnard did not have local counsel. As a result, an ascertainment of counsel hearing was set for May 4, 2021.

2) On May 4, 2021 Defendant Barnard appeared before Magistrate Judge Robin Meriweather. At this hearing Federal Public Defender (Western District of Texas) Jesus Salinas was appointed by the Court to represent Mr. Barnard. At this hearing, Judge Meriweather directed the parties to notify the assigned District Court Judge's chambers of the parties' request to set a status hearing before the presiding judge.

3) On May 6, 2021 the parties filed a joint motion requesting the Court docket a status hearing in this case. Since that motion was filed the parties have reached a plea agreement. As

a result, the parties jointly request the Court docket a plea hearing in the above captioned case. The government will forward the plea paperwork to the Court in separate correspondence.

4) The government has conferred with the defense and proposes the following dates and times, should the Court be available, for the Court to docket the requested hearing: October 13 (in the morning), October 20 (afternoon), or October 28, 2021. If these dates are unavailable on the Court's docket the government will again confer with counsel for additional dates.

5) For these same reasons, the parties further believe it is in the interest of justice to toll the Speedy Trial Act while the parties finalize plea paperwork (waivers) and submit all paperwork to the Court. Therefore, the parties thus request a tolling of the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A), based on the factors described in 18 U.S.C. 3161(h)(7)(B) (i), (ii), and (iv). Therefore, the parties request further exclusion of time under the Speedy Trial Act from May 4, 2021, through the next scheduled hearing date.

CONCLUSION

WHEREFORE, for all of the foregoing reasons stated in the government's motion, the United States respectfully requests that the government's unopposed motion to docket a plea hearing in the above captioned case be GRANTED.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: /s/ Brandon K. Regan
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_____	:	

PROPOSED ORDER

Upon consideration of the Unopposed Government’s Motion to Docket a plea hearing, it is hereby:

ORDERED that the Unopposed Government’s Motion to Docket a plea hearing is **GRANTED**, and

FURTHER ORDERED that a status hearing in the above captioned matter is set for _____, 2021 at _____.

RICHARD J. LEON
JUDGE, UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SIGNED this ____ day of September 2021