

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>CRIMINAL NO. 21-cr-00232(CRC)</b>
	:	
<b>RICHARD MICHETTI,</b>	:	
<b>Defendant.</b>	:	

**CONSENT MOTION FOR AN INITIAL APPEARANCE TO  
ARRAIGN THE DEFENDANT ON THE INDICTMENT**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully files this Motion for an Initial Appearance before this Court. In support thereof, the government states as follows:

1. On December 17, 2020, the Chief Judge issued a Standing Order. *See In Re: Sixth Extension of Postponed Jury Trials Due to Ongoing Exigent Circumstances Caused COVID-19 Pandemic*, Standing Order 20-93(BAH) (December 17, 2020). Citing the recent surge in the infection and mortality rates in the District of Columbia, this Standing Order tolled the time period for commencing the trial of a defendant, pursuant to 18 U.S.C. § 3161(c), from January 11, 2021 to March 15, 2021. *Id.*
  
2. On February 23, 2021, the Defendant was arrested and charged via Criminal Complaint with violating 18 U.S.C. §§ 1752(a)(1) and (2), 40 U.S.C. §§ 5104(e)(2)(D) and (G), and other related charges in connection with the breach of the United States Capitol on January 6, 2021. Following an Initial Appearance in the Eastern District of Pennsylvania, the Defendant first appeared in the District of Columbia on March 1, 2021. Upon a joint, oral motion by the parties, this Court ruled that the time period between March 1, 2021 and April

14, 2021 would be excluded from calculating the date for Speedy Trial in the Interest of Justice. The Court adjourned this matter for a Preliminary Hearing.

3. On March 5, 2021, the Court issued a new Standing Order, which allows for the limited resumption of jury trials. However, the Chief Judge has ordered that for all trials that cannot be tried with consistently with the health and safety protocols laid out in the Order, the time period between March 17, 2021 and August 31, 2021 is excluded under the Speedy Trial Act. *In re: Limited Resumption of Criminal Jury Trials in Light of Current Circumstances Relating to the Covid-19 Pandemic*, Standing Order 21-10(BAH) (March 5, 2021).

4. On March 19, 2021, the Defendant was Indicted for violating 18 U.S.C. §§1512(c)(2) and 1752(a)(1) and (2), and 40 U.S.C. §§ 5104(e)(2)(D) and (G).

5. The parties have conferred and request a date for an Initial Appearance before this Court so that the Defendant can be arraigned on the Indictment. The Defendant consents, pursuant to the CARES Act, to the parties appearing via VTC for this purpose. The parties have are available on April 27 or 29 for this purpose, and can be available on subsequent dates that are convenient to this Court's calendar.

6. Pursuant to 18 U.S.C. § 3161, the parties agree that the time period from April 14, 2021 until the next Court date are excluded from calculating the date for Speedy Trial in this matter. The parties will use this time for defense counsel to review the discovery produced by the



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<b>Defendant.</b>	:	

**ORDER**

This matter having come before the Court pursuant to a Motion for an Initial Appearance, upon consent, it is therefore

ORDERED that the parties shall appear for an Initial Appearance at \_\_\_\_\_ on April \_\_, 2021. It is further

ORDERED that consistent with Standing Order No. 21-10, and the reasons stated in the Consent Motion filed by the parties, the interests and ends of justice are best served and outweigh the interests of the public and the defendant in a speedy trial. Pursuant to 18 U.S.C. § 3161, the time from April 14, 2021 until April \_\_\_\_, 2021 shall be excluded in computing the date for speedy trial in this case.

\_\_\_\_\_  
The Honorable Judge Christopher R. Cooper