

UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : CRIMINAL NO. 21-mj-132
 :
 ROBERT BALLESTEROS, :
 Defendant. :
 :

**CONSENT MOTION TO CONTINUE PRELIMINARY HEARING AND FOR
EXCLUDABLE DELAY**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully files this Consent Motion to Continue the Preliminary Hearing in the above-captioned matter from July 27, 2021 to September 2, 2021. The Government and the defendant agree that there is good cause to extend the complaint in this case from July 27, 2021 to September 2, 2021, and to adjourn the preliminary hearing in this case to September 2, 2021. Defendant concurs in this request and agrees that it is in his best interest. In support thereof, the government states as follows:

1. The government and counsel for the defendant have conferred, and are continuing to communicate in an effort to resolve this matter. The current restrictions on counsel, particularly those impacting defense counsel's ability to communicate with his client, have slowed this process. The parties agree that the complaint will remain in full force and effect through the new date of September 2, 2021. The parties agree that this stipulation and any order resulting therefrom shall not affect any previous order of pretrial detention or pretrial release.
2. The parties, therefore, would respectfully request that the preliminary hearing and the

date by which an information or an indictment must be filed be continued until September 2, 2021. The parties agree that the 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), and the parties request an order to that end. The parties agree that pursuant to 18 U.S.C. § 3161, the time from July 27, 2021 through September 2, 2021 shall be excluded in computing the date for speedy trial in this case.

Wherefore, the parties respectfully request that the Court continue the Preliminary Hearing in this matter until September 2, 2021.

Respectfully submitted,

CHANNING PHILLIPS
ACTING UNITED STATES ATTORNEY

By: /s/ April N. Russo
April N. Russo
Assistant United States Attorney
PA Bar No. 313475
U.S. Attorney's Office
555 4th Street, N.W.
Washington, D.C. 20530
202-252-1717
april.russo@usdoj.gov

UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : CRIMINAL NO. 21-mj-132
 :
 ROBERT BALLESTEROS, :
 Defendant. :
 :

ORDER

This matter having come before the Court pursuant to a Motion to Continue, upon consent, it is therefore

ORDERED that, after taking into account the public interest in the prompt disposition of criminal cases, good cause exists to extend the Preliminary Hearing from July 27, 2021 to September 2, 2021; it is

FURTHER ORDERED that the period from July 27, 2021 to September 2, 2021 be excluded from computing the time within which an information or indictment must be filed under the Speedy Trial Act because the ends of justice served by such a continuance outweigh the best interests of the public and Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7). The Court finds that COVID-19 has presented complications here that make it difficult for defense to meet with his client and prepare, and that delay is necessary for the parties to work on a potential resolution.

It Is So Ordered.

G. Michael Harvey
United States Magistrate Judge

Entered: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Consent Motion to Continue Preliminary Hearing was served upon counsel of record through electronic mail, this 25th day of July, 2021.

By: /s/ April N. Russo
April N. Russo
Assistant United States Attorney
PA Bar. Bar 313475
555 4th Street, N.W.
Washington, D.C. 20530
(202) 252-1717
April.russo@usdoj.gov