

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

UNITED STATES OF AMERICA

v.

ROBERT GIESWEIN,

Defendant.

Crim. Action No. 21-24-1 (EGS)

Hon. Emmet G. Sullivan

Hearing: Aug. 11, 2021

**NOTICE REGARDING NOTICE OF APPEAL & POSITION ON EXCLUDING
TIME FROM SPEEDY TRIAL ACT**

Mr. Gieswein, through undersigned counsel, respectfully submits this notice to the Court relating to the notice of appeal he filed today, August 10, 2021. *See* ECF No. 34.

As the Court is aware, the government has requested that the Court exclude time from the Speedy Trial Act, asserting that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial, and relying on 18 U.S.C. § 3161(h)(7)(A). *See* July 29, 2021 Minute Entry; Gov't Reply in Support of Oral Motion, ECF No. 33. Mr. Gieswein has resisted further tolling of the Speedy Trial Act on this basis. *See* Opposition to Gov't July 29 Oral Motion to Exclude Time under the Speedy Trial Act, ECF No. 29. The Court will hold a hearing on this issue tomorrow, August 11.

Today was Mr. Gieswein's deadline to file the notice of appeal of this Court's order denying him pretrial release, ECF No. 28. *See* Fed. R. App. P. 4(b)(1)(A)(I). To avoid losing his opportunity to appeal, Mr. Gieswein was forced to file the notice

today. However, notwithstanding the fact that interlocutory appeals ordinarily toll the Speedy Trial Act pursuant to 18 U.S.C. § 1361(h)(1)(C), Mr. Gieswein does not mean for his filing the notice of appeal to be misunderstood as indication that he no longer presses his resistance to tolling of the Speedy Trial Act on the grounds that the government has proffered.

That is, if this Court grants the government's pending oral request to exclude time from the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) tomorrow, Mr. Gieswein undoubtedly will pursue his appeal of the detention order. However, if the Court declines the government's request, and schedules a trial to take place within seventy days, Mr. Gieswein may withdraw the appeal, to avoid any further tolling of the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(C), in keeping with his consistent resistance to delaying trial.

Respectfully submitted on August 10, 2021.

ROBERT GIESWEIN

by counsel:

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