

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ROBERT GIESWEIN,

Defendant.

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

**JOINT MOTION TO CONTINUE DEADLINE FOR NEW MOTIONS, AND
FOR ENTRY OF PORPOSED ORDER ON TRIAL DEADLINES**

Robert Gieswein, through undersigned counsel and on behalf of both parties, hereby requests that the Court modify its January 19 Minute Entry to permit the parties more time to file motions new motions relating to the Superseding Indictment, and *motions in limine*, and that the Court impose other trial-related deadlines.

1. On January 14, 2022, the grand jury returned a Superseding Indictment in this prosecution arising from the events at the United States Capitol on January 6, 2021. ECF No. 91.

2. At a hearing on January 19, the Court rescheduled the trial; it is now set to begin on April 20. The Court also ordered that any supplements to prior motions or new motions were to be filed by February 4, 2022, and responses and replies were to be filed on February 11 and 14 respectively. The Court further ordered that the Court would take up all of these motions on February 24, 2022. January 19, 2022 Minute Entry.

3. The defense intends to file the supplement to the pending venue motion on February 4. Further, the parties agree that argument on the issue of venue should go forward on February 24. Further, because the Superseding Indictment does not moot the pending motions (with one exception), the parties agree that argument on these motions should also go forward on February 24.

ECF NO.	Motion	Status
58	MOTION to Dismiss Case for Violation of Speedy Trial Rights by ROBERT GIESWEIN	Pending and fully briefed.
59	MOTION for Bill of Particulars <i>Regarding Count One</i> by ROBERT GIESWEIN	Defense renews with respect to Superseding Indictment, for reasons given in full briefing already filed.
60	MOTION to Dismiss Count <i>One of the Indictment</i> by ROBERT GIESWEIN	Defense renews with respect to Superseding Indictment, for reasons given in full briefing already filed.
61	MOTION to Dismiss Count Two through Count Four, and IN THE ALTERNATIVE, MOTION for Bill of Particulars Regarding Counts Two-Four, MOTION for Discovery Regarding Grand Jury Proceedings Regarding Counts Two-Four, by ROBERT GIESWEIN	<i>Mooted by Superseding Indictment.</i>
63	MOTION in Limine to Preclude Certain Defense Arguments by USA	Pending and fully briefed.
64	MOTION to Change Venue by ROBERT GIESWEIN	Pending; will be supplemented between Feb. 4 and Feb. 14.
56	MOTION in Limine to Limit Cross-Examination of Secret Service Agency Witnesses by USA	Pending and fully briefed.

4. However, the parties also agree that new charges in the Superseding indictment, and ongoing review of voluminous discovery, require further

consideration before a next round of motions are filed. Further, some issues arising from the new indictment might be capable of resolution without the filing of motions if the parties have further time to confer. For example, lack of particularity in new counts might be resolved with agreement on a bill of particulars.

5. Accordingly, the parties request that the Court permit them additional time to consider and file new motions pursuant to Rule 12(b)(3) of the Rules of Criminal Procedure, and *motions in limine* concerning evidence they know the opposing party intends to introduce at trial, and thereafter hold a second motions hearing closer to trial.¹

6. Having learned that the Court has some availability the week of April 11, and determined that counsel for both parties are also generally available that week, the parties propose the following schedule:

Second Motions Hearing	Week of April 11, 2022, the exact date to be selected by the Court
Replies	Two weeks prior to hearing
Responses	Three weeks prior to hearing
New Motions	Five weeks prior to hearing

¹ Regardless, neither party intends to object to the other's filing *motions in limine* as they become aware of the opposing party's intent to offer particular evidence closer to trial. At the January 19, 2022 hearing, the Court agreed that parties cannot be expected to anticipate and object to every potential exhibit until exhibit lists are filed.

7. Section VIII of the proposed order filed with this motion contemplates a new schedule (tailored it to the Court's calendar). It also sets out other pretrial deadlines the parties propose the Court impose.²

8. For these reasons, and in light of the entire record, the parties jointly respectfully request that the Court enter the proposed order filed herewith.

Respectfully submitted on February 2, 2022.

ROBERT GIESWEIN

by counsel:

Jeremy C. Kamens
Federal Public Defender for the
Eastern District of Virginia

by: _____s/_____
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² The parties previously submitted a version of this order, at ECF NO. 86 & 861. In light of the requests in this motion, the parties withdraw the request that the Court enter that order.