

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-cr-128 (RC)
	:	
WILLIAM POPE, and	:	
MICHAEL POPE,	:	
	:	
Defendants.	:	

**JOINT MOTION TO CONTINUE AND
TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America, by and through its attorney the Acting United States Attorney for the District of Columbia, and the Defendants, William Pope and Michael Pope, by and through their attorneys Terry Eaton and Carlos Vanegas, respectively, hereby move this Court to vacate the status conference presently scheduled for October 18, 2021, to continue the matter for approximately 60 days, and further to exclude the time within which an indictment must be filed under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

The United States just substituted counsel – indeed AUSA Michael W. Mitchell just filed a notice to appear this day. New counsel for the United States immediately conferred with defense counsel and the parties agree to the following:

- 1) The Defendants reside in different states than defense counsel. Thus, the discovery review has been more challenging and is incomplete at this point. The defense needs additional time to review and discuss the discovery released by the United States with their clients. Completion of this review is integral to a potential plea in this case. The

United States notes that the investigation into the Capitol Breach presents novel and complex discovery issues, as described in the regularly updated status memoranda filed in this case. The United States also notes that additional discovery will be released next week, and the defense has indicated that they would like time to review that new discovery.

- 2) Because additional time is needed for discovery review, the period of plea negotiations - respectfully, should be extended. Defense counsel needs more time to review the case with their clients so that they can adequately confer with the United States on a plea offer. The Government also has an interest in this occurring. The parties also believe that additional time for plea negotiations would be useful to determine whether this case can be resolved without trial. If this case can be resolved through a plea, the additional time would preserve the valuable time of this Court.
- 3) The parties agree that the proposed continuance is not proposed for the purpose of delay or without diligence by the parties. The parties will certainly continue to confer regularly and work on the case during the period of this requested delay.
- 4) The parties have reviewed their respective calendars and believe that a hearing the week of January 3, 2022, will work the best for the parties. Indeed, CJA counsel Terry Eaton indicated that he has “a trial starting in mid-December 2021” and that a status conference on “**January 7th**” or “**January 10-12**” is preferable to him and his client.

The parties submit that under these circumstances, the ends of justice to be served by a continuance of approximately 60 days, and that this continuance outweighs the interests of the public and the defendant in a speedy trial, and the Court should consequently exclude time under the Speedy Trial Act for the above stated reasons. Neither Defendant is in custody.

Undersigned counsel has provided a copy of this motion to Terry Eaton and Carlos Vanegas, counsel for Defendants William Pope and Michael Pope, respectively, and Mr. Eaton and Mr. Vanegas support this joint motion.

WHEREFORE, the parties respectfully request that this Court grant the motion for an approximately 60-day continuance of the above-captioned proceeding, and that the Court exclude the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

Respectfully submitted this the 14th day of
October, 2021.

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

/s/ Michael W. Mitchell
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CERTIFICATE OF SERVICE

On this 14th day of October, 2021, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

/s/ Michael W. Mitchell _____

MICHAEL W. MITCHELL

Assistant United States Attorney