

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

UNITED STATES OF AMERICA

v.

**WILMAR JEOVANNY
MONTANO ALVARADO,**

Defendant.

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Criminal No. 21-cr-154 (RJL)

UNOPPOSED MOTION TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully moves this Court to exclude time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) from January 19, 2022 until the date of the next status hearing in this case on March 31, 2022. In support whereof, the government states as follows:

1. The defendant was charged by criminal complaint on January 26, 2021, on charges of 18 U.S.C. § 231(a)(3) (Civil Disorder); 18 U.S.C. §§ 1512 & 2 (Obstruction of an Official Proceeding); 18 U.S.C. § 111(a)(1) (Assaulting, Resisting, or Impeding Certain Officers); 18 U.S.C. § 1752(a)(1) (Entering and Remaining in a Restricted Building or Grounds); 18 U.S.C. § 1752(a)(2) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds); 40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building); and 40 U.S.C. § 5104(e)(2)(E) (Impeding Passage Through the Capitol Grounds or Buildings). He was arrested and was presented for an Initial Appearance in the Southern District of Texas on January 29, 2021, following which the defendant was released on bond pending trial. A Superseding Indictment was returned on May 7, 2021, on the same charges. A Second Superseding Indictment was returned on November 10, 2021, also on the same charges.

2. The government has engaged in a production of voluminous case-specific discovery totaling more than 10 gigabytes, including hours of bystander video, CCTV footage,

and police Body Worn Camera (BWC) footage specific to the defendant, in addition to documentary evidence in the FBI case file and other information specific to defense requests. The government is also engaged in ongoing global discovery productions of voluminous records related to all January 6, 2021 cases, as detailed in the government's periodic status reports regarding the status of discovery, *see* ECF Nos. 23, 25, 26, 28.

3. On August 25, 2021, the government extended a plea offer to the defendant. The defendant has expressed a desire to continue reviewing discovery before deciding whether to accept or reject the plea offer.

4. A status hearing was held on January 19, 2022. A further status hearing was scheduled in this case on March 31, 2022.

5. The government moves, pursuant to 18 U.S.C. § 3161(h)(7)(A), to exclude time under the Speedy Trial Act in the interests of justice from January 19, 2022 until the date of the next status hearing in this case on March 31, 2022. This additional period is necessary to allow the defendant to review the discovery in the case, and to allow the parties to engage in discussions regarding the government's plea offer. Therefore, the government respectfully submits that the ends of justice served by such exclusion would outweigh the best interest of the public and the defendant in a speedy trial.

6. Counsel for the government has conferred with defense counsel regarding this motion. The defendant does not oppose the motion to continue the status hearing and waives his rights under the Speedy Trial Act.

WHEREFORE, the government respectfully moves that the time from January 19, 2022 until March 31, 2022 be excluded from computation under the Speedy Trial Act.

Respectfully submitted,

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