

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 1:21-cr-00046-RDM
	:	
BRADY KNOWLTON and	:	
	:	
PATRICK MONTGOMERY,	:	
	:	
Defendants	:	

JOINT STATUS REPORT

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and defendants Brady Knowlton and Patrick Montgomery by and through their attorneys, Ronald S. Sullivan Jr., T. Brent Mayr, Camille Wagner, and Duncan P. Levin, now submit this joint status report, requested by the Court at the last status hearing on March 22, 2022.

1. At the last hearing, the government discussed the state of discovery in this matter. Since that hearing, the government has made two additional global productions, and has made all prior global productions available on the defense instances of Relativity and Evidence.com. At this juncture, over 34,000 documents and over 24,000 video files have been disclosed to the defense in global discovery.

2. On April 1, 2022, Duncan P. Levin entered his appearance on behalf of Mr. Montgomery. Soon thereafter, prior counsel, Dani Jahn, withdrew from representing Mr. Montgomery.

3. On April 18, 2022, the government produced to Mr. Levin the Montgomery-specific discovery that was previously disclosed to prior counsel and all previous global productions.

4. In the near future, the government expects to make additional global productions, which should include, *inter alia*, the scoped results of additional search warrants conducted on other

Capitol Siege defendant's electronic devices and social media accounts, recorded custodial interviews of Capitol Siege defendants, and additional materials in the custody and control of the FBI that may be relevant to the defendants.

5. The government is willing to continue discussions regarding disposition of this matter with counsel for Mr. Montgomery given his recent appearance in the case. The government understands that Mr. Knowlton anticipates rejecting the plea offer extended to Mr. Knowlton at the next status conference in this matter.

6. Given counsel for Mr. Montgomery's recent appearance in the case as well as his need to review the discovery recently produced, and possible re-entry into plea negotiations, counsel for Mr. Montgomery asks for an additional 60 days to work towards a resolution in this matter. If the parties have reached a decision regarding disposition of this matter, the parties will notify the Court prior to this date.

7. Mr. Knowlton does not agree to waive speedy trial and intends to ask that the case be scheduled for trial. The government also requests that the cases be scheduled for trial.

8. The government and Mr. Montgomery are in agreement that, due to outstanding discovery and ongoing plea negotiations, the ends of justice would be served by exclusion of time under The Speedy Trial Act until the next status date before this Court. Mr. Montgomery waives his rights under the Speedy Trial Act and agrees to the exclusion of time for the period from today's status report date through the next status conference date. The government requests that a status conference be set in 60 days so that the parties may appear, in person or remotely, and personally inform the Court of any outstanding issues and to schedule a trial date.

9. The government requests that the Speedy Trial Act be tolled until the next status conference date for both defendants in order for the government to continue producing voluminous discovery and to engage in plea discussions with Mr. Montgomery. The time should be excluded under the Speedy Trial Act in the interests of justice, pursuant to 18 U.S.C. § 3161(h)(7)(A). In addition, the government requests that time be excluded under the Speedy Trial Act which permits exclusion of time in cases involving co-defendants. *See United States v. Johnson*, Criminal No. 21-0332 (PLF) (Jul. 29, 2021), 2021 U.S. Dist. LEXIS 141329, 2021 WL 3207044 (D.D.C.) *citing United States v. Saro*, 24 F.3d 283, 292, 306 U.S. App. D.C. 277 (D.C. Cir. 1994) (“an exclusion applicable to one defendant applies to all codefendants”). Mr. Montgomery has agreed to exclude time until the next status conference, has just started reviewing voluminous discovery, and is engaged in plea discussions. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the government requests that the Court set forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

Respectfully submitted,

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