

**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	:	

GOVERNMENT’S STATUS REPORT REGARDING TRIAL DATES

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, now submits this status report, requested by the Court in a May 20, 2022, Minute Order.

1. In its May 20, 2022, Minute Order, the Court ordered:

It is further ORDERED that (1) counsel for Defendant Knowlton shall confer with government counsel and the Courtroom Deputy Clerk regarding a potential trial date, and (2) Defendant Knowlton and the government shall file a joint status report on or before May 27, 2022, proposing a trial date. It is further ORDERED that time shall be excluded under the ends of justice exception to the Speedy Trial Act, 18 U.S.C. § 3161, as to both Defendants, from May 20, 2022, to July 15, 2022.

2. As an initial matter, the parties were not able to reach agreement on a joint status report.
3. The parties agree that the expected length of trial will be 5 to 6 days.
4. Mr. Knowlton’s counsel and the government conferred with this Court’s courtroom deputy who informed them that the Court’s next available dates to begin trial are December 13, January 5, or February 22.
5. The government is not available to begin trial on December 13 or January 5 but is available on February 22.

6. Based on discussions with Mr. Knowlton's counsel, the government understands that Mr. Knowlton is also available on February 22.

7. Although defendant Montgomery's counsel was not asked to provide available trial dates, the government would request that trial be set for both defendants jointly. Defendant Montgomery, through counsel, stated by email earlier this week that "Mr. Montgomery is fine with a February trial date, but we must have all of the discovery in the case prior to a trial. We note that discovery is still coming in."

8. Defendant Knowlton and defendant Montgomery were jointly indicted for conduct that occurred at the same time in the same places at the United States Capitol on January 6, 2021. *See* ECF No. 74. The government intends to try defendants Knowlton and Montgomery together.

9. Mr. Montgomery's counsel is relatively new to the case, having made his appearance on April 1, 2022. The government produced to him all previously produced discovery on April 18, 2022. The government also remains in plea discussions with Mr. Montgomery's counsel.¹

10. The government requests that the Speedy Trial Act be tolled until the trial date for both defendants in order for the government to continue producing voluminous discovery. 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.

¹ The government intends to continue those discussions even if a trial date is scheduled.

Montgomery has agreed to exclude time until the next status conference, has just started reviewing voluminous discovery, and is engaged in plea discussions.

Respectfully submitted,

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