

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

PATRICK MONTGOMERY,  
BRADY KNOWLTON, and  
GARY WILSON

*Defendants*

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Case No. 21-CR-00046-RDM

DEFENDANTS' MOTION TO EXTEND DEADLINE TO FILE MOTIONS  
PURSUANT TO FRCP 12(b)(3)

TO THE HONORABLE RANDOLPH D. MOSS, UNITED STATES DISTRICT  
JUDGE FOR THE DISTRICT OF COLUMBIA:

PATRICK MONTGOMERY, BRADY KNOWLTON, and GARY WILSON, the  
Defendants in the above styled and numbered cause, by and through undersigned  
counsel, move this Court to extend the deadline to file motions pursuant to Federal  
Rule of Criminal Procedure 12(b)(3) and, in support thereof, would show the follow-  
ing.

1. On February 9, 2023, the parties filed a Joint Status Report at this Court's request  
designating agreed-upon deadlines in anticipation of a trial date scheduled for  
October 16, 2023. *See* ECF Dkt. [125](#). This Court subsequently issued a minute  
order requiring, as agreed by the parties, that motions (pursuant to FRCP  
12(b)(3)), suppression motions, and other dispositive motions shall be filed on or  
before June 19, 2023.<sup>1</sup> *See* Minute Order of 2/9/23.

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<sup>1</sup> At the time, the parties failed to recognize that on June 17, 2021, Congress passed The Juneteenth National Independence Day Act making Juneteenth — June 19 — a national holiday. Under Federal

2. While the Defendants have been working jointly to file motions by this deadline, on June 19, 2023, counsel for Mr. Knowlton and Mr. Wilson learned from counsel for Mr. Montgomery that an irreconcilable conflict of interest had arisen between him and Mr. Montgomery and that he was ethically obligated to seek to withdraw from further representing Mr. Montgomery in this matter.
3. To permit this Court an opportunity to consider that motion and, if granted, give Mr. Montgomery an opportunity to obtain new counsel, Mr. Knowlton and Mr. Wilson are requesting that this Court grant them an extension of two weeks for the motions filing deadline in order for them to confer with Mr. Montgomery (by and through his new counsel) to determine if he desires to continue working jointly to file motions. Counsel for Mr. Montgomery is also requesting this deadline be extended so as not to prejudice his client. *See* ABA MODEL RULE OF PROFESSIONAL RESPONSIBILITY 1.16(d) (“Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interests.”).
4. This motion is not meant for the purpose of delay. All the Defendants maintain that they intend to proceed to trial as scheduled and a two-week extension for the filing of motions should not impact that. In accordance with the Joint Status Report’s proposed deadlines, they would propose that this Court permit motions (pursuant to FRCP 12(b)(3)), suppression motions, and other dispositive motions to be filed on or before July 3, 2023, oppositions on or before July 17, 2023, and

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Rule of Criminal Procedure 45(a)(1)(C), since the last day of the period designated for filing motions is this legal holiday, Defendants maintain they have until June 20, 2023 to timely file these designated motions.

replies by June 24, 2023.

5. Counsel for Mr. Wilson attempted to confer with the Government regarding this motion but did not receive a final response before the filing of this motion.

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully move this Court to extend the deadline for them to file motions (pursuant to FRCP 12(b)(3)), suppression motions, and other dispositive motions.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this motion was sent to Counsel for the Government, James Peterson, Kelly Moran, and Karen Rochlin and, on June 20, 2023, via CM/ECF and email.

/s/ T. Brent Mayr  
T. BRENT MAYR  
Attorney for Brady Knowlton