

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 21-cr-00326-PLF
)	
MICHAEL FITZGERALD,)	
)	
Defendant.)	

ASSENTED-TO MOTION FOR EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT

The United States of America moves the Court to exclude the period from April 29, 2021 to the date of the defendant’s arraignment, May 7, 2021. As grounds for the motion, the government states that on April 28, 2021, a federal grand jury indicted the defendant on the following six charges: civil disorder, in violation of 18 U.S.C. § 231(a)(3), obstruction of an official proceeding, in violation of 18 U.S.C. §§ 1512(c)(2),2, entering and remaining in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(1), disorderly and disruptive conduct in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(2), disorderly conduct in a Capitol building, in violation of 40 U.S.C. § 5104(e)(2)(D), and parading, demonstrating, or picketing in a Capitol building, in violation of 40 U.S.C. § 5104(e)(2)(G).

On that same day, the preliminary hearing before Judge Harvey—scheduled for April 29, 2021—was canceled. The defendant is scheduled to be arraigned on May 7, 2021. The government requests that this Court exclude the time until arraignment, finding that the ends of justice served by excluding the period of this continuance outweigh the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. §§ 3161(h)(7)(A).

The defendant assents to this motion.

Sincerely,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Lucy Sun

Lucy Sun
Assistant United States Attorney
Detailee – Federal Major Crimes
United States Attorney’s Office
for the District of Columbia
Telephone No. (617) 590-9468
Lucy.sun@usdoj.gov