

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 21-mj-245
	:	
PHILIP S. GRILLO,	:	
	:	
Defendant.	:	

**JOINT MOTION TO CONTINUE AUGUST 10, 2021 STATUS HEARING AND TO
EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States, by and through its attorney, the United States Attorney for the District of Columbia, and Defendant Grillo hereby jointly move to continue the August 10, 2021, status hearing scheduled for 1:00 p.m. before Magistrate Judge Meriweather. In support of the motion, the parties state as follows:

1. On February 22, 2021, the defendant was arrested and charged via complaint with offenses related to crimes that occurred at the United States Capitol on January 6, 2021. Specifically, the defendant was charged with 18 U.S.C. § 1752(a)(1) and (2) (Unlawful Entry on Restricted Buildings or Grounds); 40 U.S.C. § 5104(e)(2)(D) and (G) (Violent Entry and Disorderly Conduct on Capitol Grounds); and 18 U.S.C. § 1512(c)(2) (Obstruction of Justice/Congress).

2. The defendant had an initial appearance in the District of Columbia on March 12, 2021. On May 6, 2021, the government filed United States' Unopposed Motion to Continue and to Exclude Time Under the Speedy Trial Act [ECF Nos. 10, 11]. On May 10, 2021, that motion was granted, and a continued status hearing date of June 25, 2021 was set [ECF No. 12]. Given the posture of the case, the parties jointly moved to continue the June 25, 2021 status hearing and

exclude time under the Speedy Trial Act [ECF No. 13]. That motion was granted on June 24, 2021 [ECF No. 14].

3. In the government's earlier motion to continue and exclude time under the Speedy Trial Act [ECF No. 10], the government explained that the events of January 6, 2021, referred to therein as the Capitol Attack, will likely be one of the largest investigations and prosecutions in American history. In the United States' Memorandum Regarding Status of Discovery [ECF No. 15], the government described the status of discovery in the overarching investigation. The government respectfully requests to incorporate into the instant motion its discovery memorandum [ECF No. 15] insofar as it discusses the current scope of the investigation, as well as its earlier motion to continue and exclude time [ECF No. 10] insofar as it provides legal justification for an ends-of-justice continuance under 18 U.S.C. § 3161(h)(7).

4. The government has recently provided informal discovery to the defendant but is still working to provide the formal initial discovery production through its fast-track process. The government is also working to extend a plea offer to the defendant. Accordingly, the parties hereby move this Court for a 45-day continuance. Both parties are available on September 28, 2021 or September 27, 2021, to the extent the Court is amenable to either date.

5. Defendant Grillo has been advised of his rights under the Speedy Trial Act and agrees to exclude from the Speedy Trial Act calculation August 10, 2021, until the next status hearing date. The parties agree that setting this future date would best serve the interests and ends of justice and outweighs the interests of the public and the defendant in a speedy trial.

WHEREFORE, the parties respectfully request that this Court grant the motion for a continuance of the above-captioned proceeding, and that the Court exclude the time within which an indictment must be filed and the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney
DC Bar No. 415793

By: /s/ Christine M. Macey
CHRISTINE M. MACEY
Assistant United States Attorney
DC Bar No. 1010730
555 Fourth Street, N.W., Room 5243
Washington, DC 20530
Christine.Macey@usdoj.gov
(202) 252-7058

/s/ Michael P. Padden
MICHAEL PADDEN, ESQUIRE
Federal Defenders of New York
NY Bar No. 162-8932
One Pierrepont Plaza, 16th Floor
Brooklyn, NY 11201
Michael_Padden@fd.org
(718) 330-1240

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ORDER

Based upon the representations in the Joint Motion to Continue August 10, 2021 Status hearing and to Exclude Time Under the Speedy Trial Act, and upon consideration of the entire record, it is hereby

ORDERED that the Motion is **GRANTED**; it is

FURTHER ORDERED that Status Hearing currently scheduled for August 10, 2021 is continued to _____ on September ____, 2021, before Magistrate Judge _____; and it is

FURTHER ORDERED that the time between August 10, 2021 and September ____, 2021 shall be excluded from calculation under the Speedy Trial Act. The Court finds 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, as the continuance will provide the parties with additional time to gather and review the discovery in this matter and to explore plea negotiations.

THE HONORABLE ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE