

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

UNITED STATES OF AMERICA :
 :
 v. : **Criminal No. 21-CR-00143 (RC)**
 :
 BENJAMIN H. TORRE, :
 :
 Defendant. :

**JOINT MOTION TO CONTINUE AND
TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America, by and through its attorney the Acting United States Attorney for the District of Columbia, and the defendant, by and through his attorney Maria Jacob, hereby move this Court to vacate the status conference presently scheduled for June 15, 2021, to continue the matter for approximately 60 days, and further to exclude the time within which an indictment must be filed 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). The parties submit that the conditions that existed when the government filed an unopposed motion to exclude time, ECF No. 16, regarding the amount of discovery that must be collated, provided to, and reviewed by the defense, still exist. The government is working diligently to provide this material to the defendant, but discovery is not yet complete. In addition, counsel for the defendant is newly appointed, having taken over the matter from Mr. Miles, who has left the Federal Public Defender Service, and requires time to go through the material that has been and will be provided by the government.

The parties submit that under these circumstances, the ends of justice to be served by a 60-day continuance outweigh the interests of the public and the defendant in a speedy trial, and the

Court should consequently exclude time under the Speedy Trial Act for the above stated reasons, as well as those outlined in the Government's Unopposed Motion to Exclude Time, ECF No. 16.

Undersigned counsel has provided a copy of this motion to Maria Jacob, Esq., counsel for the defendant, and Ms. Jacob informed the undersigned that this may be filed as a joint motion. The parties respectfully request a date in the week of August 16, 2021.

WHEREFORE, the parties respectfully requests that this Court grant the motion for an approximately 60-day continuance of the above-captioned proceeding, and that the Court exclude the time within which 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/ Kimberley C. Nielsen
Kimberley C. Nielsen
Assistant United States Attorney
N.Y. Bar No. 4034138
555 4th Street, N.W., Room 9913
Washington, D.C. 20530
Phone: 202-252-7418
Email: Kimberley.Nielsen@usdoj.gov