

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

UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO. 21-mj-434**
 :
 JAMES BREHENY, :
 Defendant. :

CONSENT MOTION TO CONTINUE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully files this Consent Motion to Continue and toll the above-captioned matter, that is scheduled for a hearing on December 2, 2021. Prior to the scheduled hearing of December 2, the Government and the defendant agreed that there was and continues to be good cause to continue the matter due to ongoing plea negotiations. Defendant concurs in this request and agrees that it is in his best interest. The parties are requesting a new hearing date scheduled on or about February 2, 2021 at 1 PM.

The parties request that the time between today's date and the next date in this matter be excluded from time calculation under the Speedy Trial Act First. Chief Judge Howell's Standing Order 21-10, tolls times through February 2, 2021, in all cases that cannot be tried consistent with health and safety protocols and limitations related to COVID-19 pandemic. Second, the defendant is charged in what likely is the largest criminal prosecution in United States history; one that the government is continuing to investigate, in which over 600 defendants have been charged. This investigation has generated an enormous amount of evidence, including, for example, over 14,000 hours of Capitol surveillance video, more than 200,000 tips from the public, and 250 terabytes of total data. The government is investigating

and reviewing this and other evidence expeditiously and begin producing discovery to defendants consistent with its constitutional and statutory obligations, but doing so will take time. Third, the time between today's date and the next date will provide the parties the opportunity to engage in plea negotiations, in hopes of resolving this case short of trial. For all of those reasons, the ends of justice are served by tolling time and those interests outweigh the best interests of the public and the defendant in a speedy trial.

Dated: December 1, 2021

Respectfully submitted,

MATTHEW GRAVES
UNITED STATES ATTORNEY

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

UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO. 21-mj-434**
 :
 JAMES BREHENY, :
 Defendant. :

ORDER

This matter having come before the Court pursuant to a Consent Motion to Continue and Exclude Time for Indictment, it is therefore:

ORDERED that the complaint and previous order of pre-trial release with conditions of supervised release remain in full force and effect.

ORDERED that the matter is continued until February 2, 2021 at 1 PM.

ORDERED that the period from December 2, 2021 through the next status date shall be excluded from computing the time within which an information or indictment must be filed under the Speedy Trial Act because the ends of justice served by such a continuance outweigh the interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. " 3161(h)(1) & (h)(7). The Court finds that there is voluminous and evolving discovery, and that delay is necessary for the parties to consider resolutions.

It Is So Ordered.

Zia M. Faruqui
United States Magistrate Judge

Entered: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Consent Motion to Exclude Time for Indictment was served upon counsel of record for the defendant through the electronic court filing system, this 1st day of December 2021.

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