

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

UNITED STATES OF AMERICA

v.

BRIAN MCCREARY,

Defendant.

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Case No. 21-cr-125 (BAH)

JOINT STATUS REPORT

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and Jeffrey Denner, counsel for the defendant, Brian McCreary, hereby submit the following Joint Status Report:

Pursuant to the Court's guidance at the last status hearing on April 23, 2021, the parties conferred and submit the following:

1. On June 3, 2021, the government completed the first round of formal discovery to the defense in this case, to include nearly 900 data files. These disclosures included manifests documenting the individually bates stamped items of evidence in order to organize the disclosures into a readily reviewable format for the defense.
2. The government has initiated the second round of discovery through the fast-track discovery process in place for the Capitol Riot cases and expects these disclosures to be ready in the next 30 days.
3. The government is still in the process of formulating a plea offer in this case. To that end, the government has been in contact with the defense to discuss potential terms of a plea offer.

4. The government conferred with counsel for the defendant on June 15, 2021. Mr. Denner, counsel for the defendant, informed the government that he has been able to locate local counsel in order to sponsor him for pro-hac vice status in this case and he expects to file that motion with the court in the coming days.
5. For the reasons stated above, to include counsel obtaining status in the jurisdiction, ongoing discovery, and pending plea negotiations, the parties request the Court vacate the status hearing set for June 25, 2021 and the parties submit a follow-up Joint Status Report in approximately 30 days.
6. Per the Chief Judge's Standing Order, the parties jointly recommend the following dates for a continued status hearing in this case: July 26th, August 2nd, August 5th. If these dates are not available with the Court the parties will confer and submit additional dates as necessary.
7. For the reasons outlined in the Court's April 21, 2021 Order, the parties further believe it is in the interest of justice to toll the Speedy Trial Act while the government continues to produce discovery, the defense continues to review discovery, and the parties work through plea negotiations. Therefore, the parties thus request a tolling of the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A), based on the factors described in 18 U.S.C. 3161(h)(7)(B)(i), (ii), and (iv). Therefore, the parties request an exclusion of time under the Speedy Trial Act from June 25, 2021, through the next scheduled status date.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney

By: _____ /s/

Brandon K. Regan
Assistant United States Attorney
555 Fourth Street, N.W., Room
Washington, D.C. 20530
202-252-7759

_____ /s/

Jeffrey A. Denner
Counsel for Defendant
(pro hac vice- in process of filing)
Massachusetts Bar # 120520
JAD@dennerlaw.com
617-816-0800