

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

UNITED STATES OF AMERICA,

V.

FELIPE MARQUEZ,

Defendant.

No. 21-cr-00136 (RC)

JOINT MOTION TO CONVERT STATUS TO PLEA HEARING

Mr. Felipe Marquez, through undersigned counsel, and joined with the United States, requests that this Honorable Court vacate the status hearing currently set for September 10, 2021 at 1:30 p.m., and in its place, set a plea hearing at the same date and time. As grounds, the parties state:

1. On January 15, 2021, Mr. Marquez was charged by criminal complaint with Knowingly Entering or Remaining in Restricted Building or Grounds, in violation of 18 U.S.C. 1752(a)(1); and Violent Entry and Disorderly Conduct on Capitol Grounds, in violation of 40 U.S.C. 5104(e)(2). *See* ECF No. 1.
2. On January 19, 2021, Mr. Marquez was arrested in his home jurisdiction of the Southern District of Florida. *See* ECF No. 5 at 1.
3. On February 3, 2021, Mr. Marquez had his Initial Appearance in U.S. District Court for the District of Columbia where he was released on his personal recognizance subject to conditions. *See* ECF No. 8.
4. On February 19, 2021, Mr. Marquez was indicted by a federal grand jury for Obstruction of an Official Proceeding in violation of 18 U.S.C § 1512(c)(2) and 18 U.S.C. § 2; Entering and Remaining in Restricted Building or Grounds in violation of 18 U.S.C. §

1752(a)(1); Disorderly and Disruptive Conduct in Restricted Building or Grounds in violation of 18 U.S.C. § 1752(a)(2); Entering and Remaining in Certain Rooms in the Capitol Building in violation of 40 U.S.C. § 5104(e)(2)(C); and Disorderly Conduct in a Capitol Building in violation of 40 U.S.C. § 5104(e)(2)(D). *See* ECF No. 9.

5. On March 3, 2021, Mr. Marquez was arraigned on the indictment, and on July 9, 2021, this Court held a status conference where the parties discussed the provision of discovery and ongoing plea negotiations. The Court set an additional status, at the request of the parties, for September 10, 2021 and excluded time under the Speedy Trial Act. *See* Minute Entry.
6. Since that last status, Assistant United States Attorney, Jeffrey Nestler, provided undersigned counsel with substantive discovery in the case, and both parties engaged in plea negotiations.
7. Following these negotiations, the government extended a plea offer to Mr. Marquez, and Mr. Marquez expressed his desire to accept the government's offer.
8. Therefore, the next status date set for September 10, 2021 at 1:30 p.m. is no longer needed. Instead, the parties require a plea hearing.
9. The parties have conferred that the current date and time set by the Court for the status, is agreeable to schedules. Therefore, the parties request the Court to set a plea hearing for that same date and time.
10. In the event that the Court's schedule is not able to accommodate this date and time for a plea hearing, the parties ask that chambers confer with the parties to find a mutually agreeable time and date. If that date is after September 10, 2021, the parties are in

agreement that the interests of justice support the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, until the date of the plea hearing.

WHEREFORE, the parties ask this Honorable Court to vacate the status hearing currently scheduled for September 10, 2021 at 1:30 p.m., and set a plea hearing at the same date and time. In the alternative, the parties request that the Court set a plea hearing date and time agreeable to its schedule, and that it exclude time from the Speedy Trial Act until such a date.

Respectfully submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

_____/s/_____
Cara Kurtz Halverson
Assistant Federal Public Defender
625 Indiana Ave. NW, Ste. 550
Washington, D.C. 20004
(202) 208-7500
cara_halverson@fd.org

CHANNING PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

_____/s/_____
JEFFREY S. NESTLER
Assistant United States Attorney
555 Fourth Street NW,
Washington, DC 20530
202-252-7277
Jeffrey.Nestler@usdoj.gov

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

UNITED STATES OF AMERICA,

v.

FELIPE MARQUEZ,

Defendant.

:
:
:
:
:
:
:
:

Cr. No. 21-cr-00136 (RC)

ORDER

Before the Court is a Joint Motion to Convert Status to Plea Hearing. For the reasons set forth therein, it is hereby

ORDERED that the current status set for 1:30 p.m. on September 10, 2021 be vacated;

ORDERED that a video conference plea hearing be scheduled; and it is further

ORDERED that time be excluded from calculation under the Speedy Trial Act until the plea hearing date. The Court finds that the ends of justice served by scheduling the matter for a plea hearing outweigh the best interests of the public and Defendant in a speedy trial.

DATE:

Rudolph Contreras
United States District Judge