

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

UNITED STATES OF AMERICA	:	
	:	CASE NO. 21-MJ-158
v.	:	
	:	
CHRISTOPHER W. ORTIZ,	:	
	:	
Defendant.	:	

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

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, through counsel Dani Jahn, respectfully move to continue the preliminary hearing scheduled for November 15, 2021, to the morning of January 20, 2022, and to exclude time under the Speedy Trial Act. The parties submit that good cause exists to continue the preliminary hearing.

On January 22, 2021, the defendant was charged in a two-count criminal complaint with knowingly entering or remaining in any restricted Capitol building or grounds without lawful authority in violation of 18 U.S.C. § 1752(a), and violent entry and disorderly conduct on Capitol grounds in violation of 40 U.S.C. § 5104(e)(2). Five days later, the defendant was arrested in New York, where he appeared for his initial appearance. He appeared before this Court for the first time on February 5, 2021. The Court scheduled a preliminary hearing for February 26, 2021, and excluded time under the Speedy Trial Act.

On February 20, 2021, the government filed a consent motion to continue the hearing until April 21, 2021, and to exclude time under the Speedy Trial Act. The Court granted the motion.

On April 14, 2021, the government filed a consent motion to continue the hearing until June 21, 2021, and to exclude time under the Speedy Trial Act. The Court granted the motion.

On June 15, 2021, the government filed a consent motion to continue the hearing until September 30, 2021, and to exclude time under the Speedy Trial Act. The Court granted the motion.

On September 29, 2021, the government filed a consent motion to continue the hearing until November 15, 2021, and to exclude time under the Speedy Trial Act. The Court granted the motion.

The government has provided the defense with pre-indictment discovery and extended a plea offer. The defense needs additional time to consider the outstanding plea offer and to review materials provided by the government. Accordingly, the parties request that the preliminary hearing be continued until the morning of Thursday, January 20, 2022, and that time be excluded under the Speedy Trial Act.

The Speedy Trial Act requires that the government file an information or indictment against a defendant within 30 days of arrest. 18 U.S.C. § 3161(b). However, the Act excludes any period of delay when a judge grants a continuance and finds that “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). Here, an additional exclusion of time through January 20, 2022, best serves the ends of justice and outweighs the interests of the public and the defendant in a speedy trial and indictment because the additional time will allow the defense to review materials provided by the government and consider the outstanding plea offer, which might obviate the need for a trial.

WHEREFORE, the parties respectfully request that the Court continue the preliminary hearing until the morning of January 20, 2022, and exclude time through and including January 20, 2022, for purposes of any computation under the Speedy Trial Act.

Respectfully submitted,

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