

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JAMES ALLEN MELS,

Defendant.

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Criminal No. 21-CR-184-BAH

**JOINT MOTION TO CONTINUE SEPTEMBER 24, 2021 STATUS
HEARING AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America and Defendant, James Allen Mels, through counsel hereby move this Court for a 60-day continuance of the Status Conference set for September 24, 2021, and further to 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). In support of its motion, the government states as follows:

- 1.** Defendant is charged by Information with offenses related to crimes that occurred at the United States Capitol on January 6, 2021.
- 2.** On July 9, 2021, this Court held a Status Hearing. The parties discussed the status of discovery and plea negotiations.
- 3.** On September 7, 2021, the undersigned attorney for the Government substituted her appearance as lead counsel.
- 4.** That same day, the parties discussed the case. The undersigned counsel for the Government immediately began working to familiarize herself with the discovery and to take over plea discussions. However, the undersigned needs additional time to work

through these issues and attempt to resolve this case with defense counsel.

5. On September 15, 2021, the undersigned tendered a formal, written plea offer to defense counsel. Additionally, on this same date, the parties conferred on the case status and agreed that a 60-day continuance of the Status Hearing set for September 24 would assist in reviewing and discussing the formal plea offer and the discovery. The parties also agreed to toll the Speedy Trial Act from the date this Court enters an Order on this motion through and including the date of the Status Hearing. The parties further request that the Court conduct the next Status Hearing via videoconference.

Accordingly, the parties respectfully request that this Court grant the motion to continue the Status Hearing set for September 24 for an additional 60 days from the date this Court enters an Order on this motion through and including the date of the next hearing, 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 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,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

 /s/

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ORDER

Based upon the representations in the Joint Motion to Continue September 23, 2021 Status Hearing and to Exclude Time Under the Speedy Trial Act, and upon consideration of the entire record, the Court makes the following findings:

Defendant is charged by Information with offenses related to crimes that occurred at the United States Capitol on January 6, 2021. On September 7, 2021, counsel for the Government entered her appearance. About a week later, a formal plea offer was tendered. That same day, the parties moved this Court for a continuance of the Status Hearing set on September 24, 2021, to allow the parties additional time to work through discovery and to engage in plea negotiations. The parties also requested that this Court toll the Speedy Trial Act from the date this Court enters an Order on this motion through and including the date of the next Status Hearing.

The Court agrees that the ends of justice served by granting a continuance outweigh the best interest of the public and the defendant in a speedy trial under 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, it is this ____ day of _____, 2021,

ORDERED that the Joint Motion to Continue September 24, 2021 Status Hearing and to Exclude Time Under the Speedy Trial Act, is hereby GRANTED; it is further

ORDERED that this proceeding is continued to _____, 2021, at _____
_____; and it is further

ORDERED that the time period from the date of this Order through and including the date of the next hearing is hereby excluded from the computation of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

THE HONORABLE BERYL A. HOWELL
UNITED STATES CHIEF DISTRICT JUDGE