

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

UNITED STATES OF AMERICA :
 :
 v. : **Criminal No. 21-CR-00338-TFH**
 :
 DOVID SCHWARTZBERG, :
 :
 Defendant. :

**JOINT MOTION TO CONTINUE OCTOBER 27, 2021 STATUS
HEARING AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America and Defendant, Dovid Schwartzberg, through counsel hereby move this Court for a 60-day continuance of the Status Conference set for October 27, 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 parties state as follows:

1. Defendant is charged by Information with misdemeanor offenses related to crimes that occurred at the United States Capitol on January 6, 2021.
2. On June 3, 2021, this Court held an Arraignment. The parties discussed the status of discovery and the case.
3. Since then, the Government has continued to provide discovery to counsel. Specifically, the Government has provided substantial, individualized discovery addressing Mr. Schwartzberg's conduct on January 6, 2021. The Government also has provided discovery from other sources.
4. Additionally, the parties have begun plea negotiations. Those negotiations are continuing.

The parties therefore need additional time to work through their plea discussions and attempt to resolve this case without a trial.

5. On October 19, 2021, the parties conferred on the case status and agreed that a 60-day continuance of the Status Hearing set for October 27 would assist in furthering the parties' plea negotiations and allow sufficient time for the Government to continue providing discovery and affording defense counsel sufficient time to review and process those disclosures. Additionally, defense counsel advised that after this Court scheduled the October 27 Status Hearing, the Second Circuit Court of Appeals scheduled an oral argument on the same day at approximately the same time. Counsel therefore cannot attend the Status Hearing set for October 27, 2021. 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 next 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 October 27 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,

/s/

Steven Y. Yurowitz
Newman & Greenberg LLP
950 Third Avenue – 32nd Floor
New York, NY 10022
Telephone No. (212) 308-7900
syurowitz@newmangreenberg.com

and

CHANNING D. PHILLIPS
Acting United States Attorney
DC Bar No. 415793

By: /s/ Monica A. Stump
Monica A. Stump
Assistant United States Attorney
PA Bar Number 90168
District of Columbia
Capitol Riot Detailee
Nine Executive Drive
Fairview Heights, Illinois 62208
Telephone No. (618) 622-3860
monica.stump@usdoj.gov

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 21-CR-00338-TFH
	:	
DOVID SCHWARTZBERG,	:	
	:	
Defendant.	:	

ORDER

Based upon the representations in the Joint Motion to Continue October 27, 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 misdemeanor offenses related to crimes that occurred at the United States Capitol on January 6, 2021. Since Defendant’s Arraignment, the United States has provided substantial discovery, but that process continues. The parties also have begun plea negotiations. The parties request additional time to work through those discussions and the discovery. On October 20, 2021, the parties moved this Court for a continuance of the Status Hearing set on October 27, 2021, to allow the parties additional time to work through discovery and to continue 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 October 27, 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 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 THOMAS F. HOGAN
UNITED STATES SENIOR DISTRICT JUDGE