

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
v.)	CRIMINAL CASE NO.
)	1:21-CR-00346-BAH-1
GLEN MITCHELL SIMON)	

UNOPPOSED MOTION TO CONTINUE DEFENDANT'S PRETRIAL
MOTIONS FILING DEADLINE AND STATUS CONFERENCE

COMES NOW the Defendant, GLEN MITCHELL SIMON, by and through undersigned counsel and respectfully requests a 60-day extension of time in which to file pretrial motions in this case and a continuance of the status conference. Pretrial motions are currently due on July 16, 2021, and a Status Conference in this case is currently scheduled for July 30, 2021 at 9:00 a.m. before the Honorable Judge Beryl A. Howell. Mr. Simon respectfully requests that he be allowed to file Pretrial Motions on September 14, 2021, and that a Status Conference be held after that date. In support of this Motion, Defendant shows as follows:

1.

After being charged in a criminal complaint from this district, Mr. Simon was arrested in the Northern District of Georgia and made his initial appearance there on May 5, 2021. (CM/ECF for N.D. Ga., Case no. 2:21-mj-09 at Docs. 1, 4). The magistrate judge held a detention hearing, and Mr. Simon was released on conditions

of supervision. (CM/ECF for N.D. Ga., Case no. 2:21-mj-09 at Docs. 6, 7, 8). A criminal information was thereafter filed in this district. (Doc. 6).

Mr. Simon was arraigned on the information on May 12, 2021 and was ordered to remain under the same conditions of release. (Doc. 16). He resides in the Northern District of Georgia, and is subject to supervision by federal probation officers there. He has not had any issues or violations while on pretrial release.

2.

The Court held a status conference on May 14, 2021, and issued a scheduling order requiring, *inter alia*, the government to produce available discovery on June 11, 2021, and Mr. Simon to file discovery motions on June 16. The government produced discovery on June 11 and produced additional discovery on June 16. The government also produced, prior to June 11, the discovery resulting from the search of Mr. Simon's cell phone.

Mr. Simon previously requested a continuance of the motions deadline and status conference. (Docs. 18, 19). These requests were granted, and motions are now due on July 16 and a Status Conference is scheduled for July 30.

3.

The discovery is voluminous, including the contents of Mr. Simon's cell phone and social media accounts, photo and video evidence, and law enforcement reports. Due to the nature of the evidence produced, undersigned counsel requests

additional time to review the evidence, determine the appropriateness of any pretrial motions, and discuss potential pretrial motions with Mr. Simon.

Furthermore, the parties have begun conversations about a potential resolution to this case that would avoid a trial, and therefore obviate the need to file any pretrial motions. Additional time is needed to complete these discussions. Accordingly, Mr. Simon requests a 60-day continuance of the deadline for filing motions.

Mr. Simon does not anticipate that a Status Conference would be needed prior to the filing of any discovery motions, and so also requests a continuance of the Status Conference. Additionally, counsel is scheduled to begin trial in Atlanta on July 30, 2021, in *United States v. Jackson*, Case no. 1:15-CR-284-AT (N.D. Ga.), which would conflict with the currently scheduled Status Conference.

This is Mr. Simon's second request for an extension. If granted, the continuance would affect the deadlines imposed by the Court for any responses by the government, and replies by Mr. Simon, to the discovery motions.

4.

Counsel has conferred with Assistant United States Attorney ("AUSA") Laura Hill regarding this continuance, including the length of the requested continuance, and the government has no objection to this motion.

5.

Under 18 U.S.C. § 3161 et seq., the interests of justice in granting the continuance outweigh the public's and the Defendant's right to a speedy trial. Thus, the time between now and the new date for a Status Conference should be excluded from speedy trial calculations.

WHEREFORE, Mr. Simon respectfully requests that he be given until September 14, 2021, in which to file Pretrial Motions, and that the Status Conference be scheduled after that date. A proposed Order is attached.

Dated: This 16th day of July, 2021.

Respectfully Submitted,

/s/ Rebecca Shepard

Rebecca Shepard

Georgia Bar No. 780692

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ORDER GRANTING MOTION TO CONTINUE DEADLINE FOR FILE
PRETRIAL MOTIONS AND STATUS CONFERENCE

The Court finds that due to delays in defense counsel reviewing discovery in this case, it was necessary to extend the time for the Defendant to file pretrial discovery motions and to reschedule the Status Conference. The Court finds that the interests of justice in continuing the pretrial motions deadline and resetting the conference substantially outweigh the interests of the public and defendant in the speedy resolution of this matter, and thus the Clerk is directed to count as excludable any delay occurring in extending the motions deadline. 18 U.S.C. § 3161, *et seq.*

IT IS HEREBY ORDERED that the the Defendant shall file Pretrial Motions by _____, 2021.

SO ORDERED, this ____ day of _____, 2021.

HON. BERYL A. HOWELL
UNITED STATES DISTRICT JUDGE

Proposed Order Submitted By:
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