

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

UNITED STATES OF AMERICA :
 : **CRIMINAL NO. 1:21-CR-00062-JEB**
 v. :
 :
THOMAS BARANYI :
 :
 Defendant. :

**UNITED STATES' UNOPPOSED MOTION TO CONTINUE AND
TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The parties are currently scheduled for a status hearing on May 5, 2021. The United States of America hereby moves this Court for a 45-day continuance of that hearing, 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 unopposed motion, the government states as follows:

1. In this case, the government provided defense counsel with two tranches of discovery on February 26, 2021, and April 19, 2021. The records include charging documents, screenshots of the defendant, a search warrant application and return, law enforcement database checks, 302s relating to the defendant, the defendant's media interview, and defendant's arrest, subpoena returns for multiple accounts, and open-source videos relating to the defendant's actions on January 6, 2021. The most recent tranche of discovery provided on April 19, 2021 includes 20 U.S. Capitol Police surveillance footage videos, which are subject to certain restrictions on dissemination as set forth in the protective order in this case, as well as voluminous records from the defendant's

phone.

2. The parties are currently engaged in ongoing discussions about a potential disposition for this matter.

The need for reasonable time to organize, produce, and review voluminous discovery is among multiple pretrial preparation grounds that Courts of Appeals have routinely held sufficient to grant continuances and exclude the time under the Speedy Trial Act. *See, e.g., United States v. Bikundi*, 926 F.3d 761, 777-78 (D.C. Cir. 2019) (Upholding ends-of-justice continuances totaling 18 months in two co-defendant health care fraud and money laundering conspiracy case, in part because the District Court found a need to “permit defense counsel and the government time to both produce discovery and review discovery”); *United States v. Bell*, 925 F.3d 362, 374 (7th Cir. 2019); *United States v. Gordon*, 710 F.3d 1124, 1157-58 (10th Cir. 2013); *United States v. Lewis*, 611 F.3d 1172, 1177-78 (9th Cir. 2010); *United States v. O’Connor*, 656 F.3d 630, 640 (7th Cir. 2011).

Due to the volume of discovery materials, some of which are subject to restrictions on dissemination under the protective order in this case, and the reasonable time necessary for all parties to have reviewed such materials as they engage in discussions on potential resolution of this matter, the failure to grant such a continuance in this proceeding would be likely result in a miscarriage of justice and would risk denying counsel for the defendant or the attorney for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Government counsel notified the defense of the filing of this motion, and counsel consents to the motion.

WHEREFORE, the government respectfully requests that this Court grant the motion for a 45-day continuance of the above-captioned proceeding, 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 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).

Respectfully submitted,

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By:



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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2021, I caused a copy of the foregoing motion to be served on counsel of record via electronic filing.



Candice C. Wong
Assistant United States Attorney

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Defendant.	:	

ORDER

Based upon the representations in the United States’ Unopposed Motion to Continue and to Exclude Time Under the Speedy Trial Act, and upon consideration of the entire record, the Court makes the following findings:

In this case, an ends-of-justice continuance is warranted under 18 U.S.C. § 3161(h)(7)(A) based on the factors described in 18 U.S.C. § 3161(h)(7)(B)(i) and (iv). Due to the volume of discovery materials, and the reasonable time necessary for all parties to have reviewed such materials as they discuss potential resolution of this matter, the failure to grant such a continuance in this proceeding would be likely result in a miscarriage of justice and would risk denying counsel for the defendant or the attorney for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Accordingly, the ends of justice served by granting a request for a continuance outweigh the best interest of the public and the defendant in a speedy trial.

Therefore, it is this _____ day of _____, 2021,

ORDERED that the United States’ Unopposed Motion to Continue and to Exclude Time Under the Speedy Trial Act, is hereby GRANTED; it is further

ORDERED that the status hearing currently scheduled for May 5, 2021 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 JAMES E. BOASBERG
UNITED STATES DISTRICT JUDGE