

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

**SECOND JOINT MOTION TO CONTINUE NOVEMBER 19, 2021 STATUS
HEARING AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America and Defendant, James Allen Mels, through counsel move this Court for a 60-day continuance of the Status Hearing set for November 19, 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 offenses related to crimes that occurred at the United States Capitol on January 6, 2021.
- 2.** On September 15, 2021, the undersigned tendered a formal, written plea offer to defense counsel.
- 3.** The next day, the parties filed a joint motion to continue a status hearing set in late September and to toll the Speedy Trial Act. This Court granted that request.
- 4.** Since our last filing, the parties have continued to work on resolving this case without a jury trial. However, defense counsel has informed the Government that she needs additional time to work with her client and the Government through the plea paperwork. Additionally, the United States continues to provide discovery as it becomes available,

particularly discovery from outside sources.

5. On November 1, 2021, the parties conferred on the case status and agreed that a 60-day continuance of the Status Hearing set for November 19 would assist the parties in reviewing and discussing the formal plea offer and in allowing additional time to provide and review ongoing discovery from outside sources. 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 this Motion to Continue the Status Hearing set for November 19 for an additional sixty days 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.* from the date this Court enters an Order on this motion through and including the date of the next hearing 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 Second Joint Motion to Continue November 19, 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 15, 2021, counsel for the Government tendered a formal, written plea offer to defense counsel. Since that time, the parties have worked to resolve this case without a jury trial and the Government has continued to provide discovery. On November 4, 2021, the parties filed a joint motion for a continuance of the Status Hearing set on November 19, 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 Second Joint Motion to Continue November 19, 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 _____, 2022, at _____; and it is further

ORDERED that the time 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