

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

UNITED STATES OF AMERICA :
 :
 v. : **Criminal No. 21-cr-154 (RJL)**
 :
 WILMAR JEOVANNY :
 MONTANO ALVARADO, :
 :
 Defendant. :

**JOINT MOTION TO CONTINUE STATUS HEARING
AND TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT**

The United States of America, by and through the Acting United States Attorney for the District of Columbia, and the defendant, by and through his counsel, respectfully move this Court to continue the status hearing currently scheduled for November 4, 2021, and to exclude time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) from November 4, 2021 until the date of the next status hearing in this case, to be determined by the Court. In support whereof, the government states as follows:

1. The defendant was charged by criminal complaint on January 26, 2021, on charges of 18 U.S.C. § 231(a)(3) (Civil Disorder); 18 U.S.C. §§ 1512 & 2 (Obstruction of an Official Proceeding); 18 U.S.C. § 111(a)(1) (Assaulting, Resisting, or Impeding Certain Officers); 18 U.S.C. § 1752(a)(1) (Entering and Remaining in a Restricted Building or Grounds); 18 U.S.C. § 1752(a)(2) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds); 40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building); and 40 U.S.C. § 5104(e)(2)(E) (Impeding Passage Through the Capitol Grounds or Buildings). He was arrested and was presented for an Initial Appearance in the Southern District of Texas on January 29, 2021, following which the defendant was released on bond pending trial.

2. The defendant was presented for an Initial Appearance in the District of Columbia on February 8, 2021. He continues to be released on bond pending trial.

3. On February 24, 2021, an Indictment was returned against the defendant, charging him with the same offenses alleged in the Criminal Complaint.

4. On May 7, 2021, a Superseding Indictment was returned against the defendant, charging him with the same offenses alleged in the original Indictment.

5. The government has engaged in a substantial production of discovery, including several hours of video footage specific to the defendant, as well as video footage responsive to defense requests. While defendant-specific discovery is substantially complete, the government continues to review and produce discovery common to all January 6, 2021 cases.

6. On August 25, 2021, the government extended a plea offer to the defendant. The defendant has requested more time to consider the plea offer in light of continuing discovery in the case.

7. The parties respectfully request a continuance of approximately 75 days to facilitate the discovery process and further plea discussions between the parties. Given the intervening holidays, the government proposes that a further status conference be scheduled during the week of January 17, 2022, subject to the Court's availability.

8. The government further moves, pursuant to 18 U.S.C. § 3161(h)(7)(A), to exclude time under the Speedy Trial Act in the interests of justice from November 4, 2021 until the date of the next status hearing in this case, to be determined by the Court. This additional period is necessary to allow the defendant to fully review the discovery in the case, and to allow the parties to engage in discussions regarding the government's plea offer. Therefore, the government

respectfully submits that the ends of justice served by such exclusion would outweigh the best interest of the public and the defendant in a speedy trial.

9. Counsel for the government has conferred with defense counsel regarding this motion. The defendant joins the motion to continue the status hearing and waives his rights under the Speedy Trial Act.

WHEREFORE, the government respectfully moves that the status hearing in this case currently scheduled for November 4, 2021 be continued until such date as the Court may determine, and that the time from November 4, 2021 until the date of the next status hearing in this case be excluded from computation under the Speedy Trial Act.

Respectfully submitted,

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