

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : **Criminal No. 21-CR-184-BAH**  
 :  
 JAMES ALLEN MELS, :  
 :  
 **Defendant.** :

**THIRD JOINT MOTION TO CONTINUE JANUARY 7, 2022 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 January 7, 2022, 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 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. Defense counsel has informed the Government that she again 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. Defense counsel made a request for certain video evidence, which was not in the Government's custody, but obtainable from a third-party. Counsel for the Government has not yet received the video requested but has provided a summary and expects to disclose it within the next two weeks.

5. On December 23, 2021, the parties conferred on the case status and agreed that a 60-day continuance of the Status Hearing set for January 7, 2022, 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, particularly the video requested by defense counsel. 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 Joint Motion to Continue the Status Hearing set for January 7 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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