

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
	:	
v.	:	Case No. 21-cr-622 (APM)
	:	
MITCHELL TODD GARDNER II,	:	
	:	
Defendant.	:	

**JOINT STATUS REPORT AND MOTION TO CONTINUE STATUS CONFERENCE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and David Benowitz, counsel for Mitchell Todd Gardner II (“the defendant”), hereby submit the following Joint Status Report. The parties also respectfully move the Court to continue the Status Conference currently scheduled for December 21, 2021 for a period of approximately 60 days, and to exclude the intervening time under the Speedy Trial Act. In support of the Motion, the parties represent:

1. The defendant is before the Court charged in a criminal indictment with several offenses, including: Civil Disorder, in violation of Title 18, United States Code, § 231(a)(3); Obstruction of an Official Proceeding, in violation of Title 18, United States Code §§ 1512(c)(2), 2; Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, § 111(a)(1) and (b); Destruction of Government Property, in in violation of Title 18, United States Code, § 1361, 2; Entering and Remaining in a Restricted Building, in violation of Title 18, United States Code, § 1752(a)(1); Disorderly and Disruptive Conduct in a Restricted Building, in violation of Title 18, United States Code, § 1752(a)(2); Engaging in Physical Violence in a Restricted Building or Grounds, in violation of Title 18, United States Code, § 1752(a)(4); Disorderly Conduct in

a Capitol Building, in violation of Title 40, United States Code, § 5104(e)(2)(D); Act of Physical Violence in the Capitol Grounds or Buildings, in violation of Title 40, United States Code, § 5104(e)(2)(F); and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, § 5104(e)(2)(G) (ECF No. 17).

2. The government extended a plea offer on December 14, 2021, with a deadline of February 18, 2022.
3. Based on the recent plea offer, the defendant needs time to consider the plea offer.
4. The government continues to provide voluminous discovery to the defense (ECF Nos. 22, 23, 24, and 27).
5. The parties believe it is in the interest of justice to toll the Speedy Trial Act while the defendant continues to consider the plea offer and the government continues to provide discovery. The parties thus request a tolling of the Speedy Trial Act, pursuant to 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), as well as 18 U.S.C. § 3161(h)(1)(G).
6. Therefore, the parties request the December 21, 2021 Status Conference be continued for approximately 60 days to a date after February 18, 2022, and that there is an exclusion of time under the Speedy Trial Act from December 21, 2021, through the next scheduled Status Conference.



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**ORDER**

Upon consideration of the Government’s Consent Motion to Continue the Status Conference scheduled for December 21, 2021, it is this \_\_\_ day of \_\_\_\_\_, 2021 hereby

**ORDERED**, that the Motion to Continue the Status Conference is **GRANTED** and the Status Conference will be continued until \_\_\_\_\_, 2022 at \_\_\_\_\_; and it is

**FURTHER ORDERED** that pursuant to the Motion to Continue, the time from December 21, 2021, to \_\_\_\_\_, 2022, will be excluded from the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7) as the exclusion would serve the ends of justice and outweigh the interest of the public and of Mr. Gardner in a speedy trial.

**SO ORDERED**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
**HONORABLE AMIT P. MEHTA**  
**UNITED STATES DISTRICT JUDGE**