

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

UNITED STATES OF AMERICA :
 : **CASE NO. 21-cr-137 (TFH)**
 v. :
 :
 BRIAN GUNDERSEN, :
 :
 Defendants. :

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

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and Eugene Ohm, counsel for Brian Gundersen, hereby move this Court for a 60-day continuance of the above-captioned proceeding, 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). In support of its motion, the parties state as follows:

1. Defendant is charged via indictment with offenses related to crimes that occurred at the United States Capitol on January 6, 2021. The defendant is currently released on his personal recognizance.
2. The government has sent a plea offer to the defendant, but the defense has advised it is not in a position to consider the plea offer until all discovery related to the Capitol cases is complete.
3. On October 22, 2021, the government filed a status report regarding discovery (ECF No. 28). The government would point the Court to that report for further information, but the report describes how discovery on the Capitol cases as a whole will continue to take further

time given the logistics involved. Thus, the parties are asking for an additional status to allow more time for the discovery process to continue.

4. The parties agree that given these considerations, the ends of justice would be served by continuing this case for another status hearing in approximately 60 days, and that those ends of justice outweigh the best interests of the public and the defendant in a speedy trial during that time.
5. The parties have conferred on availability and are available anytime from January 3, 2022 to January 7, 2022, **except** 1) on January 5 from 10:00 a.m. until noon; and 2) on January 6 from 10:00 a.m. until 1 p.m.

