

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	
<b>v.</b>	:	
	:	<b>Case No.: 21-CR-307</b>
<b>ERIC VON BERNEWITZ and</b>	:	
<b>PAUL VON BERNEWITZ,</b>	:	
	:	
<b>Defendants.</b>	:	

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

The United States of America, by and through its attorney the Acting United States Attorney for the District of Columbia, and the Defendants, Eric Von Bernewitz and Paul Von Bernewitz, by and through their attorneys, Austin Manghan and Andrew Grindrod, respectively, hereby move this Court to vacate the Status Conference presently scheduled for November 4, 2021, and reset the matter for approximately 60 days. Further, for the reasons stated herein, the parties respectfully request that this Court further to exclude the time within which an indictment must be filed 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).

The United States recently located significant video that purports to show the Defendants before and after they are alleged to have entered the United States Capitol. This video was disclosed within the last two weeks, and at least one other video, currently being formatted by the FBI, will be disclosed shortly. The Defendants need more time to evaluate this video and discuss the video with their attorneys. This review is essential to evaluate a plea in this case or any trial presentation. The United States also notes that the investigation into the Capitol Breach presents

novel and complex discovery issues, as described in the regularly updated status memoranda filed in this case. Indeed, letters describing additional global discovery were just sent to each Defendant this week and the defense has indicated that they would like time to review that new discovery.

The parties believe that this requested additional time would be useful to determine whether this case can be resolved without trial. If this case can be resolved through a plea, the additional time would preserve the valuable time of this Court.

The parties agree that the propose continuance is not proposed for the purpose of delay or without diligence by the parties. The parties will certainly continue to confer regularly and work on the case during the period of this requested delay.

The parties have reviewed their respective calendars and believe that a hearing the week of January 17, 2021, will work the best for the parties. For this reason, the parties respectfully urge this Court to set the proposed Status Conference on the afternoon of Tuesday **January 18, 2022**, or the afternoon of Thursday **January 20, 2022**.

The parties submit that under these circumstances, the ends of justice to be served by a continuance of approximately 60 days, and that this continuance outweighs the interests of the public and the defendant in a speedy trial, and the Court should consequently exclude time under the Speedy Trial Act for the above stated reasons. Neither Defendant is in custody.

Undersigned counsel has provided a copy of this motion to Austin Manghan and Andrew Grindrod, counsel for Defendants. Mr. Grindrod and Mr. Manghan have indicated that they support this motion as written.

WHEREFORE, the parties respectfully request that this Court grant the motion for an approximately 60-day continuance of the above-captioned proceeding, 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.*, 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).

Respectfully submitted this the 28th day of  
October, 2021.

CHANNING D. PHILLIPS  
ACTING UNITED STATES ATTORNEY  
D.C. Bar No. 415793

/s/ Michael W. Mitchell  
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**CERTIFICATE OF SERVICE**

On this 28th day of October, 2021, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

*/s/ Michael W. Mitchell* \_\_\_\_\_

MICHAEL W. MITCHELL

Assistant United States Attorney