

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

**UNITED STATES OF AMERICA**

**v.**

**ROBERT LEE PETROSH,**

**Defendant.**

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**Case No. 21-CR-347 (TNM)**

**JOINT MOTION TO CONTINUE STATUS CONFERENCE  
SET FOR DECEMBER 17, 2021, 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 the defendant, Robert Lee Petrosch, by and through his attorney, Steven P. Scheffler, hereby move this Court to continue the status conference scheduled for December 17, 2021 to January 4, 2022. The parties further move the Court to exclude the period of the continuance from the computation of time under the Speedy Trial Act. In support of this motion, the parties state as follows:

1. The defendant was charged on May 7, 2021 by criminal information with four misdemeanor offenses: Entering and Remaining in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(1); Disorderly and Disruptive Conduct in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(2); Violent Entry and Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). ECF No. 6. The defendant was arraigned on the information on May 11, 2021.

2. On December 8, 2021, the government filed a superseding information charging the defendant with a fifth misdemeanor offense: Theft of Government Property, in violation of

18 U.S.C. § 641. ECF No. 27. The defendant has not been arraigned on the superseding information.

3. On December 7, 2021, the parties emailed the Court a fully executed Plea Agreement and Statement of Offense. That same day, the Court instructed the parties to deliver the wet-ink original plea paperwork and a wet-ink jury trial waiver to the Court in advance of the status conference scheduled for December 17, 2021.

4. The parties have been working diligently to prepare the paperwork requested by the Court. However, due to unforeseen delays in shipping, government counsel (who is based in Los Angeles) still has yet to receive the wet-ink original plea paperwork from the defendant. As such, the parties will not be able to provide the Court with wet-ink original copies of the plea paperwork and the jury trial waiver in advance of the December 17 status conference. The parties anticipate being able to provide the Court with the wet-ink plea paperwork no later than December 23, 2021. Due to counsel's holiday schedules, however, the parties are unavailable for a status conference the week of December 27, 2021. Therefore, the parties respectfully request that the Court schedule the status conference for January 4, 2022 or another day that week that is convenient to the Court's calendar. The parties anticipate that the next scheduled status conference will be a plea hearing.

WHEREFORE the parties respectfully request that the Court continue the status conference to January 4, 2022 or another date that week that is convenient for the Court's calendar to give the parties additional time to prepare and provide to the Court the wet-ink plea paperwork. The parties further request 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 December 17, 2021 to the next scheduled status conference, 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).

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