

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

UNITED STATES OF AMERICA	:	
	:	CASE NO. 1:21-CR-57-TNM
v.	:	
	:	
NICHOLAS RODEAN,	:	
	:	
Defendant.	:	

GOVERNMENT’S CONSENT MOTION TO CONTINUE STATUS HEARING

The United States of America, through undersigned counsel, respectfully moves the Court to briefly continue the status hearing currently scheduled for Friday, January 21, 2022, and to exclude the intervening time under the Speedy Trial Act. In support of the Motion, the undersigned represents:

1. Mr. Rodean is before the Court charged in a Superseding Indictment with two felony offenses: Obstruction of an Official Proceeding, in violation of Title 18, United States Code, Section §§ 1512(c)(2), 2 and Destruction of Government Property, in violation of Title 18, United States Code, Section § 1361. He is also charged with six misdemeanor offenses: Entering and Remaining in a Restricted Building or Grounds, in violation of Title 18, United States Code § 1752(a)(1), Disorderly and Disruptive Conduct in a Restricted Building or Grounds, 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).

2. The defendant remains on release with conditions. A Status Report from the Pretrial Service Agency for the District of Columbia, dated January 19, 2022, reflects there are no issues with Mr. Rodean's release.
3. The undersigned has last minute work travel to Washington, D.C. on January 21, 2022, and won't land in time for the hearing.
4. In consultation with defense counsel, he does not object to the requested continuance, nor the tolling of the time under the Speedy Trial Act in order for this hearing to be reset.

WHEREFORE, the government respectfully requests that this Court grant the motion for a short 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,
MATTHEW M. GRAVES
United States Attorney
DC Bar No. 481052

By: */s/ Susan T. Lehr* _____
SUSAN T. LEHR
Assistant United States Attorney
Ne Bar No. 19248
District of Columbia
Capitol Riot Detailee
1620 Dodge Street, #1400
Omaha, NE 68102
Telephone: 402-661-3715
Email: susan.lehr@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that January 19, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all parties listed on the Electronic Case Filing (ECF) System.

By: /s/ Susan T. Lehr
SUSAN T. LEHR
Assistant United States Attorney