

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : Criminal No. 21-CR-79-BAH
 :
 KEVIN JAMES LYONS, :
 :
 Defendant. :
 :

SECOND JOINT MOTION TO CONTINUE FEBRAURY 11, 2022 STATUS HEARING AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT

The United States of America and Defendant, Kevin James Lyons, through counsel move this Court for a 60-day continuance of the Status Hearing set for February 11, 2022, 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 defendants in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv). In support of its motion, the parties state as follows:

- 1.** Defendant is charged by Indictment with offenses related to crimes that occurred at the United States Capitol on January 6, 2021.
- 2.** On August 9, 2021, this Court held an Arraignment and Status hearing on the charges presented in the Indictment.
- 3.** Since that hearing, the United States has continued to provide discovery to Defendant, mostly from outside sources, as discussed in the Government's Status Memoranda. *E.g.*, ECF Doc.# 26, 29, 31, 32. The United States expects to disclose additional discovery, predominately from other sources, in the future. In September 2021, the United States provided a formal, written plea offer. The parties have made some progress working through their plea discussions. However, on January 24, 2022, defense counsel has

requested additional time to work through the offer.

4. Additionally, defense counsel has requested a tour of a specific area of the Capitol not previously made available. The undersigned has been working with the Capitol Police to provide counsel this tour. To date, the parties continue to work on approval for this special request.
5. On January 27, 2022, the parties conferred on the case status and agreed that a 60-day continuance of the Status Hearing set for February 11 would assist the parties in their ongoing plea negotiations and in allowing additional time to provide and review ongoing discovery disclosures. The parties also agreed to toll the Speedy Trial Act from the date this Court enters an Order on this motion through and including the date of the next Status Hearing. The parties further request that the Court conduct the next Status Hearing via videoconference.

Accordingly, the parties respectfully request that this Court grant this Second Joint Motion to Continue the Status Hearing set for February 11 for an additional sixty days 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.* from the date this Court enters an Order on this motion through and including the date of the next hearing on the basis that the ends of justice served by taking such actions outweigh the

best interest of the public and 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,

/s/

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