

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

UNITED STATES OF AMERICA

v.

WILMAR JEOVANNY MONTANO ALVARADO,

Defendant.

CR NO. 21-cr-154 (RJL)

UNOPPOSED MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT

The United States of America, through undersigned counsel, respectfully moves this Court to exclude time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) from June 22, 2022 until the date of the next status hearing in this case. In support, the government states as follows:

1. The defendant is charged with felony and misdemeanor offenses relating to his conduct during the breach of the U.S. Capitol on January 6, 2021. *See* Docs. 1, 8, 20.

2. On March 31, 2022, this Court held a status conference and set a further status conference for June 2, 2022.

3. The Court's March 21, 2022 Minute Order provides: "The Time Period from March 31, 2022 Until June 22, 2022 (XT), Be Excluded From Computation Of Time Under The Speedy Trial Act In This Case."

4. On May 27, 2022, the defendant filed an unopposed motion to continue the June 2, 2022 status hearing due to a calendar conflict, and requested the Court reset the status conference to "any date after July 9th, 2022." *See* Doc. 37. The defense motion included consent to the exclusion of the time from computation under the Speedy Trial Act until the rescheduled status hearing. *Id.* at ¶ 9.

5. By Minute Order dated June 1, 2022, this Court granted the defendant's motion to continue the status conference, vacated the June 2, 2022 status conference, and continued the conference until a date to be determined. It is unclear whether the Speedy Trial Act was addressed in the Court's June 1, 2022 Minute Order granting defendant's continuance request.

6. The Government moves, pursuant to 18 U.S.C. § 3161(h)(7)(A), to exclude time under the Speedy Trial Act in the interests of justice from June 22, 2022 until the date of the next status hearing in this case. The additional period is necessary to allow the defendant and counsel to continue with their review the voluminous discovery in the case and to prepare for trial, and to allow defense counsel to proceed with the other commitments set forth in the defendant's May 27, 2022 motion (Doc. 37) which warranted the continuance of the status conference. Therefore, the government respectfully submits that the ends of justice served by such exclusion would outweigh the best interest of the public and the defendant in a speedy trial.

7. Counsel for the government has conferred with defense counsel regarding this motion. Defense counsel does not oppose the motion to exclude the time under the Speedy Trial Act until the next status hearing. In addition, and as set forth above, the defendant also previously consented to the Speedy Trial Act exclusion until the next status conference as set forth in the defendant's May 27, 2022 motion to continue.

WHEREFORE, the government respectfully moves that the time from June 22, 2022 until the date of the next status hearing in this case be excluded from computation under the Speedy Trial Act.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On this 28th day of June, a copy of the foregoing was served on counsel of record for the defendant via the Court's Electronic Filing System.

By: /s/ Samuel S. Dalke
SAMUEL S. DALKE
Assistant United States Attorney – Detailee