

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Crim. No. 21-CR-127 (ABJ)
	:	
JOSHUA BLACK,	:	
<i>Defendant.</i>	:	

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

The United States of America, by and through the United States Attorney for the District of Columbia, and counsel for defendant Joshua Black respectfully move this Court to continue the status conference set for December 10, 2021, and to exclude the period of the continuance from the computation of time under the Speedy Trial Act. In support of this joint motion, the parties now state the following:

1. On September 10, 2021, the parties to this matter last appeared before the Court for a status conference. During that status conference, the parties represented they had not reached an agreement regarding a pretrial disposition, and the government announced it had withdrawn the plea offer it tendered to Black. Nevertheless, the Court encouraged the parties to continue discussing a possible disposition, and set a further status conference for December 10, 2021.

2. Since the prior status conference, the parties have had multiple conversations regarding a potential pretrial disposition, the latest of which was on November 26, 2021. The parties have not reached a plea agreement, but remain open to further discussion.

3. Since the prior status conference, the government filed three memoranda detailing the government's progress in making voluminous sets of discovery available to all defense counsel in Capitol cases through multiple online workspaces. The discovery made available so far includes

over 23,000 files of U.S. Capitol Police closed-circuit surveillance video, body-worn-camera video from three regional police departments, and U.S. Secret Service surveillance footage. (ECF Nos. 36-38.) In addition, the government has made numerous large files available to all defense counsel, including counsel for Black and his paralegal, in seven large productions via the USAfx file-share application. The government expects it will make additional disclosures on a rolling basis in the coming weeks, including access to disclosures of case-specific discovery of other defendants besides Black, results of searches of devices and Stored Communications Act accounts, custodial statements of other defendants, and footage obtained from news media. By the end of January 2022, the government intends to provide the defense an inventory of any materials that have not been loaded into the online workspaces to facilitate Black's ability to request any specific material he deems potentially relevant. At that point, the government expects the defense will either have or have access to the vast majority of potentially relevant materials in the government's possession, including any remaining few items of Black's case-specific discovery that had not already been provided. (ECF No. 38.) The defense will need additional time to review all these voluminous materials.

4. To accommodate additional plea discussions and the production and review of the voluminous discovery that has already been disclosed and that will be disclosed in the coming weeks, the parties request a continuance of approximately 45 days. By the end of January 2022, the parties will be in a better position to gauge whether a pretrial disposition is feasible or a trial date should be set.

5. Should the Court be inclined to continue the status conference, the parties are available at any time from January 24-28 and February 1-4, 2022.

6. If the Court grants the continuance, the parties also move the Court to exclude the period from December 10, 2021, until the continuance date from the computation of time for which a trial date must be set under the Speedy Trial Act, 18 U.S.C. § 3161 (“STA”), for the reasons the government articulated in ECF No. 15, due to the discovery issues discussed earlier, and because the continuance will further additional plea discussions. The parties also request the Court find that the ends of justice served by granting this continuance outweigh the interests of the public and Black in a speedy trial.

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court GRANT this joint motion to continue the status conference and to exclude the period from December 10, 2021, until the next Court date from the computation of time under the STA.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

/s/ Clark U. Fleckinger II
CLARK U. FLECKINGER II
Counsel for Joshua Black
D.C. Bar Number 362393
301-294-7301
cufleckinger@aol.com

BY: */s/ Seth Adam Meinero*
SETH ADAM MEINERO
Trial Attorney (Detail)ee)
D.C. Bar Number 976587
United States Attorney’s Office for the
District of Columbia
202-252-5847
Seth.Meinero@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 30, 2021, I served a copy of this pleading on all parties to this matter through the Court's electronic case files system, and that Clark U. Fleckinger II, counsel for Joshua Black, has authorized me to file this joint motion.

/s/ Seth Adam Meinero
SETH ADAM MEINERO
Trial Attorney (Detailee)