

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

UNITED STATES OF AMERICA

v.

JAMES ALLEN MELS,

Defendant.

Crim. Action No. 21CR184 (BAH)

**UNOPPOSED MOTION TO CONTINUE PRE-TRIAL HEARING AND TRIAL
DATES**

Undersigned counsel respectfully moves this Court to continue the pre-trial hearing and trial dates due to defense counsel's inability to properly prepare for a trial on July 18, 2022. In a Minute Order, the Court advanced the pre-trial and trial dates from August 19 and August 29 to July 8 and July 18, 2022, respectively. *See* Minute Order, May 5, 2022. However, for reasons set forth below, defense counsel will be out of the country on July 8, and unable to prepare for a trial on July 18. Therefore, counsel moves the Court to continue the pre-trial conference and trial to the previously scheduled dates of August 19 and August 29, 2022. In support of this Motion, counsel states:

1. Mr. Mels is before the Court charged with offenses arising out of the events at the Capitol on January 6, 2021. On March 5, 2021, Mr. Mels was arraigned on an Information charging him with entering and remaining in a restricted building, in violation of 18 U.S.C. § 1752(a)(2), 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)(G), and parading and demonstrating in a Capitol building, in violation of 40 U.S.C. § 5104(e)(2)(G).

2. Initially, Assistant Federal Public Defender Cara Halverson was appointed to represent Mr. Mels. Undersigned counsel entered her notice of appearance on March 29, 2022, after Ms. Halverson left the office. ECF. No. 35. At that time, no trial date had been scheduled.
3. On March 31, 2022, the Court issued a Minute Order directing the parties to inform the Court by April 4, 2022, “whether the plea offer had expired and, if so, to propose trial dates and a motions schedule so that a motions and trial schedule may be set at the April 5, 2022, hearing.”
4. Undersigned counsel promptly conferred with government counsel and filed a joint response to the Court’s Minute Order proposing three trial dates: August 29, 2022, September 22, 2022, and November 1, 2022. ECF No. 36. The Court issued an Order shortly thereafter, scheduling the trial on August 29, 2022, and the pre-trial conference on August 19, 2022. At the status hearing on April 4, 2022, undersigned counsel indicated that counsel was not available on August 19, 2022, for the pre-trial conference date proposed by the Court. The Court directed counsel to change her plans so that counsel could be available, which counsel did.

5. On May 5, 2022, the Court issued a Minute Order advancing the pre-trial hearing date to July 8 and the trial date to July 18, 2022.
6. Undersigned counsel will be out of the country in South Korea to visit family between June 30 and July 16, 2022. Airline tickets were purchased over 9 months ago and are non-refundable. Therefore, counsel will be out of the country on the July 8 pre-trial conference date and unable to adequately prepare for a July 18, 2022, trial date. Counsel was unaware that the Court might be available for a trial in July 2022 and was considering advancing the trial date to that date. Had counsel known, undersigned counsel would have immediately notified the Court about counsel's travel plans.
7. Mr. Mels has previously agreed to toll time under the Speedy Trial Act to August 29, 2022. Defense counsel is prepared to file Motions by the dates ordered by the Court in the Court's May 5 Minute Order.
8. The government does not oppose this Motion and indicated that while it could be available on July 18, 2022, but it would prefer to keep the previously scheduled August 29, 2022, trial date.

Conclusion

For the foregoing reasons, undersigned counsel respectfully moves this Court to continue the trial date in this matter to August 29, 2022, and the pre-trial conference to August 19, 2022.

Respectfully Submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

_____/s/_____
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