

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

UNITED STATES OF AMERICA

v.

CHAD BARRETT JONES,

Defendant.

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Crim No. 1:21-cr-00213-RJL

**UNITED STATES' CONSENT MOTION TO
CONTINUE AND EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America (the "government"), with the consent of counsel for the defendant, Chad Barrett Jones, hereby moves this Court for an approximately 60-day continuance until on or about June 17, 2022, or until the date of the next status hearing in this case, to exclude the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* In support of this consent motion, the undersigned states as follows:

1. The parties last convened for a status hearing on December 2, 2021. Since that date, the government has made seven additional discovery productions to the defendant. On December 20, 2021, January 18, 2022, February 3, 2022, March 5, 2022, and April 4, 2022, the government made "global" discovery productions to counsel for the defendant. The most recent materials encompassed by those productions have included videos recorded by the Virginia State Police ("VSP"), transcripts of radio communications from January 6, 2021, items associated with 104 individuals, and United States Capitol Police ("USCP") emails and communications, among other materials. On January 10, 2022, and April 3, 2022, the government made additional defendant-specific discovery productions via USAfx to counsel for the defendant of

materials including the scoped results of search warrants for the defendant's cell phone and iCloud account, and additional open-source video purporting to capture the defendant inside the Capitol. On February 10, 2022, the government also filed a memorandum on the docket summarizing the status of global discovery in Capitol Breach matters for the Court.

2. On March 5, 2021, the government filed a consent motion to continue and exclude time under the Speedy Trial Act. On March 8, 2022, the Court entered an Order granting the motion. The Court ordered that the VTC hearing then-scheduled for March 10, 2022, be vacated and rescheduled for a date and time to be determined. The Court further ordered that the time period from the date of the Order through April 21, 2022, be excluded from the computation of time under the Speedy Trial Act and found that such a continuance was in the interest of justice to allow the parties to continue to produce and review the discovery in this matter.
3. Counsel for defendants recently obtained access to the FPD Relativity workspace. The materials previously produced via filesharing are now available to search, review, and download as necessary in that database; keyword searches, for instance, may be performed. In total, 46,225 files have been provided to the defense global production Relativity database.
4. Given the aforementioned facts, the government's continued diligent production of discovery materials to defense counsel, and counsel for the defendant's interest in reviewing the voluminous discovery materials, including the most recent productions on the Relativity workspace, the parties seek an additional continuance of

- approximately 60 days or another date thereafter at the Court's convenience. The additional time will afford the parties time to continue to produce and review discovery.
5. In addition, the undersigned has been substituted as counsel for the government in this case. A 60-day continuance would allow the parties to further discuss resolution of this matter and the possibility of a plea agreement.
 6. The need for reasonable time to address discovery obligations is among multiple pretrial preparation grounds that Courts of Appeals, including our Circuit, have routinely held sufficient to grant continuances and exclude time under the Speedy Trial Act – and in cases involving far less complexity in terms of the volume and nature of data, and the number of defendants entitled to discoverable materials. *See, e.g., United States v. Bikundi*, 926 F.3d 761, 777-78 (D.C. Cir. 2019) (upholding ends-of-justice continuances totaling 18 months in two co-defendant health care fraud and money laundering conspiracy case, in part because the District Court found a need to “permit defense counsel and the government time to both produce discovery and review discovery”); *United States v. Gordon*, 710 F.3d 1124, 1157-58 (10th Cir. 2013) (upholding ends-of-justice continuance of ten months and twenty-four days in case involving violation of federal securities laws, where discovery included “documents detailing the hundreds of financial transactions that formed the basis for the charges” and “hundreds and thousands of documents that needs to be catalogued and separated, so that the parties could identify the relevant ones”) (internal quotation marks omitted); *United States v. O'Connor*, 656 F.3d 630, 640 (7th Cir. 2011) (upholding ends-of-justice continuances totaling five months and 20 days in wire

fraud case that began with eight charged defendants and ended with a single defendant exercising the right to trial, based on “the complexity of the case, the magnitude of the discovery, and the attorneys’ schedules”).

WHEREFORE, the United States, with the consent of counsel for the defendant, respectfully requests that this Court grant the motion for an approximately 60-day continuance of the above-captioned proceeding, or until the next status hearing set by the Court, 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), and failure to grant such a continuance would result in a miscarriage of justice.

Respectfully submitted,

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