

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

UNITED STATES OF AMERICA	:	
	:	
	:	
v.	:	Case No. 21-cr-622 (APM)
	:	
MITCHELL TODD GARDNER II,	:	
	:	
Defendant.	:	

MOTION TO EXTEND PRETRIAL MOTIONS DEADLINE

The United States of America, by and through its attorney, respectfully requests this Court extend the pretrial motions deadline, which is currently set for June 24, 2022, to July 1, 2022. In support of this motion, counsel states the following:

1. Defendant Mitchell Todd Gardner II (“Gardner”) is before the Court charged in a criminal indictment with several offenses, including: Civil Disorder, in violation of Title 18, United States Code, § 231(a)(3); Obstruction of an Official Proceeding, in violation of Title 18, United States Code §§ 1512(c)(2), 2; Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, § 111(a)(1) and (b); Destruction of Government Property, in in violation of Title 18, United States Code, § 1361, 2; Entering and Remaining in a Restricted Building, in violation of Title 18, United States Code, § 1752(a)(1); Disorderly and Disruptive Conduct in a Restricted Building, in violation of Title 18, United States Code, § 1752(a)(2); Engaging in Physical Violence in a Restricted Building or Grounds, in violation of Title 18, United States Code, § 1752(a)(4); Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, § 5104(e)(2)(D); Act of Physical Violence in the Capitol Grounds or Buildings, in violation of Title 40, United States Code, §

5104(e)(2)(F); and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, § 5104(e)(2)(G) (ECF No. 17).

2. Defendant Gardner is scheduled to stand trial commencing July 18, 2022.

3. Some of the pretrial motions are due by June 24, 2022. (ECF Nos. 37 and 43.)

4. The parties have notified the Court that the case is expected to be resolved via a plea agreement. Further, the Court has made itself available to hold the change of plea proceeding the week of June 27, 2022.

5. The parties expect the need to file pretrial motions will become obsolete. If the plea agreement goes forward as expected, current filing deadlines will be vacated. If the plea agreement does not go through as expected, the government will file pretrial motions on or before July 1, 2022.

6. Counsel for Defendant Gardner, David Benowitz, has not been able to be reached for his position on this request.

Respectfully submitted,

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