

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

NOAH BACON,

Defendant.

Case No.: 1:21-cr-00488-CRC-1

**DEFENDANT'S MOTION TO
CONTINUE TRIAL AND EXCLUDE
TIME UNDER THE SPEEDY TRIAL
ACT**

COMES NOW, Noah Bacon, by and through undersigned counsel, to respectfully request this Honorable Court to continue the trial in this matter and exclude time under the Speedy Trial Act pending the Court of Appeals decisions in *United States v. Miller*, Case No. 1:21-cr-00119-CJN. *United States v. Fischer*, Case No. 1:21-cr-00234-CJN and *United States v. Lang*, Case No. 1:21-00053-CJN. As grounds for this motion counsel would state:

1. Trial in this matter is scheduled for October 17, 2022.

2. The defendant is charged in Count One with Entering and

Remaining in a Restricted Building or Grounds in violation of 18 U.S.C. §1752(a)(1), in Count Two with Disorderly and Disruptive Conduct in a Restricted Building or Grounds in violation of 18 U.S.C. §1752(a)(2), in Count Three with Entering and Remaining in the Gallery of Either House of Congress in violation of 40 U.S.C §5104(e)(2)(B), in Count Four with Disorderly Conduct at the Grounds and in a

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Joseph R. Conte
Law Office of J.R. Conte
400 Seventh St., N.W., #206
Washington, D.C. 20004
Phone: 202.638.4100
Email: dcgunlaw@gmail.com

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Capitol Building in violation of 40 U.S.C. §5104(e)(2)(D), in Count Five with Parading, Demonstrating, or Picketing in a Capitol Building in violation of 40 U.S.C. §5104(e)(2)(G), and in Count Six with Obstruction of an Official Proceeding and Aiding and Abetting Obstruction of an Official Proceeding in violation of 18 U.S.C. §§1512(c)(2) and 2.

3. Counsel has filed a motion to dismiss Count Six of the indictment charging the defendant with Obstruction of an Official Proceeding based on Judge Nichols decisions in *United States v. Miller*, Case No. 1:21-cr-00119-CJN, *United States v. Fischer*, Case No. 1:21-cr-00234-CJN and *United States v. Lang*, Case No. 1:21-00053-CJN. (Dkt. #43)

4. The United States has filed an expedited appeal of those decisions. (Case Nos. 22-3041 Miller; 22-3038 Fischer, and 22-3039 Lang).

5. Continuing the trial in this matter until after the Court of Appeals rules in Miller, Fischer and Lang will conserve judicial resources and is in the best interests of the court and the defendant.

6. The defendant agrees to exclude time under the Speedy Trial Act pending the resolution of the Miller, Fischer, and Lang cases and the complexity of the instant case.

7. The United States opposes this motion.

Accordingly, the defendant respectfully requests that this Court grant the motion to continue 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).

WHEREFORE counsel respectfully requests that this motion be granted.

Dated: July 27, 2022

Respectfully Submitted,

Joseph R. Conte
Counsel for Noah Bacon
Law Office of J.R. Conte
400 Seventh St., N.W., #206
Washington, D.C. 20004
Phone: 202.638.4100
Email: dcgunlaw@gmail.com