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6 Attorneys for Jeffrey Grace

7 UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF COLUMBIA
9 The Hon. Randolph D. Moss

10 United States of America,

No. 1:21-cr-0296-RDM

11 Plaintiff,

**Unopposed Motion to
Continue and Toll Speedy Trial Act**

12 v.

13 Jeffrey Grace,

14 Defendant.

15 Defendant Jeffrey Grace (“Mr. Grace”) moves the Court for a 90-day continuance
16 of all pretrial and trial deadlines in the above-captioned matter. ¹

17 Mr. Grace is presently charged by Information in four counts: (1) Entering and
18 Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1);
19 (2) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation
20 of 18 U.S.C. § 1752(a)(2); (3) Disorderly Conduct in a Capital Building, in violation of 40

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23 ¹ This is undersigned counsel’s first request for a continuance, having recently substituted in on the case
24 on January 5, 2023. See ECF No. 43.

1 U.S.C. § 5104(e)(2)(D); and (4) Parading, Demonstrating, or Picketing in a Capital
2 Building, in violation of 40 U.S.C. § 5104(e)(2)(G). ECF No. 9. On February 4, 2021,
3 Mr. Grace was arrested on Rule 5 proceedings and a Complaint and made his initial
4 appearance via video on February 9, 2021. ECF No. 7. He was released on conditions on
5 February 12, 2021. Mr. Grace remains out-of-custody and resides in Astoria, Oregon. He
6 is currently in-compliance with all conditions of pretrial release. *See* ECF No. 44.

8 A status conference hearing is currently scheduled for January 11, 2023 at 11:00
9 a.m. (EST) via video.

10 Mr. Grace requests a continuance in the above-captioned matter for several
11 reasons. First, more time is required to allow undersigned counsel (who recently
12 substituted in on January 5, 2023) to review the case and meet with Mr. Grace to discuss
13 whether he intends to plead guilty or go to trial. Undersigned counsel recognizes that this
14 case has been pending for approximately two years and will work diligently to prepare the
15 case, receive and review discovery, and otherwise prepare for trial if necessary.

17 Special Assistant U.S. Attorney Mona Sedky was contacted in regard to the
18 Motion. The United States does not object to a continuance and agrees the Speedy Trial
19 Act time should be tolled.

21 Finally, undersigned counsel met with Mr. Grace on two occasions (January 5 and
22 10, 2023) and re-advised him of the right to a Speedy Trial. He agrees to waive such right.

1 Here, a valid basis for a trial continuance exists, and the ends of justice will be
2 served by granting a continuance, which outweighs the interests of the public and Mr.
3 Grace in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). Notably, denying a continuance
4 would not only result in a miscarriage of justice, but also deny defense counsel the
5 reasonable time necessary for effective preparation, taking into account the exercise of
6 due diligence. *See* 18 U.S.C. §§ 3161(H)(7)(B)(i), (iv).

8 Therefore, Mr. Grace respectfully requests that the Court take the following
9 actions:

- 10 1) Continue the trial in this matter until April 10, 2023;
- 11 2) Exclude all appropriate time under the Speedy Trial Act;
- 12 3) Extend the pretrial motions deadline accordingly;
- 13 4) Strike the status hearing presently set for January 11, 2023, and
14 reschedule to a date that is acceptable to the Court in the future.

16 Dated: January 10, 2023

17 Respectfully Submitted,

18 /s/ J. Stephen Roberts, Jr.
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