

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

UNITED STATES OF AMERICA

v.

DOUGLAS AUSTIN JENSEN,

Defendant.

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Case No. 21-CR-6 (TJK)

**UNOPPOSED MOTION TO CONTINUE OCTOBER 26, 2021
STATUS CONFERENCE FOR 30 DAYS**

The United States of America, by and through its attorney, the Acting United States Attorney for the District of Columbia, hereby moves this Court to grant its Motion to Continue October 26, 2021 Status Conference for 30 days. The Government further moves move the Court to exclude the period of the continuance from the computation of time under the Speedy Trial Act. In support of this motion, the Government states as follows:

1. On September 2, 2021, the Court held a hearing in this case regarding the Government’s Motion to Revoke Defendant’s Pretrial Release. At the hearing, the Court granted the Government’s motion and ordered the defendant remanded.
2. Following that hearing, the defendant was transported from the District of Iowa to the District of Columbia. Due to health reasons, the defendant’s transport to the District of Columbia was delayed. The defendant did not arrive in the District of Columbia until approximately October 5, 2021.
3. Due to enhanced health monitoring measures at the D.C. Jail, defense counsel will not be able to meet with the defendant until October 22, 2021.

4. The Government has continued to produce discovery to the defendant, including over four terabytes of surveillance footage and over 1,600 files consisting of District of Columbia Metropolitan Police Department body worn camera videos.

5. Defense counsel has still not been able to review this newly provided discovery with the defendant, nor has defense counsel been able to review the terms of the most recent plea offer with the defendant.

6. On September 26, 2021, the defendant filed a Motion to Dismiss Count Two of the Indictment. ECF No. 42.

7. On October 11, 2021, the Court entered the parties' Joint Proposed Briefing Schedule. Pursuant to this briefing schedule, the defendant's motion to dismiss will become fully submitted on November 19, 2021.

8. Defense counsel does not oppose the filing of this motion to continue or the exclusion of time under the Speedy Trial Act. However, because defense counsel has not been able to communicate with his client, he is unable to provide the defendant's position on the proposed continuance and the exclusion of time under the Speedy Trial Act.

9. Given the government's recent production of voluminous discovery, defense counsel's need to review the discovery and current plea offer with the defendant, and the reasonable time necessary for effective preparation by all parties taking into account the exercise of due diligence, the failure to grant such a continuance in this proceeding would be likely to make a continuation of the proceeding impossible or result in a miscarriage of justice. Accordingly, the ends of justice served by granting a request for a continuance outweigh the best interest of the public and the defendant in a speedy trial.

10. Moreover, pursuant to 18 U.S.C. § 3161(h)(1)(D), the time between September 26, 2021 – the filing of the defendant’s motion to dismiss – through the conclusion of the hearing on, or other prompt disposition of, the motion, is automatically excluded in computing the time within which the defendant’s trial must commence.

WHEREFORE, for the foregoing reasons, the Government respectfully requests that the Court grant this Motion to Continue October 26, 2021 Status Conference for 30 days, and further request that the Court exclude the period from October 26, 2021 until the next status conference in this case from the computation of time under §§ 3161(h)(1)(D) and (h)(7) of the Speedy Trial Act.

CHANNING PHILLIPS
Acting United States Attorney
D.C. Bar No. 415793

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ORDER

Based upon the representations in the United States’ Unopposed Motion to Continue October 26, 2021 Status Conference for 30 Days, which is incorporated herein by reference, and upon consideration of the entire record, it is hereby:

ORDERED that the United States’ Unopposed Motion to Continue October 26, 2021 Status Conference for 30 Days is GRANTED; it is further

ORDERED that the status conference is continued to _____, 2021, at _____; and it is further

ORDERED that the time period from October 26, 2021, through and including the date of the next status conference, is hereby excluded from the computation of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

Date:

THE HONORABLE TIMOTHY J. KELLY
UNITED STATES DISTRICT JUDGE