

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

UNITED STATES OF AMERICA :  
:  
v. : Case No. 21-CR-90 (PLF)  
:  
NATHANIEL DEGRAVE, :  
:  
Defendant. :

**UNITED STATES' UNOPPOSED MOTION TO  
EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America hereby moves this Court to exclude the time within which a trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, for the period between May 10, 2021 and June 10, 2021, 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). The government further requests that, to the extent the Court has availability, a status hearing be set for June 10, 2021.

Government counsel has consulted with defense counsel, and defense counsel does not oppose the government's motion to exclude the time between May 10 and June 10, 2021, under the Speedy Trial Act and concurs in the request for a status hearing on the latter date.

In support of its motion, the government states as follows:

1. On May 6, 2021, the Court denied the defendant's motion for modification of pretrial detention and immediate release by Memorandum Opinion and Order. A subsequent Memorandum Opinion was issued on May 14, 2021, outlining the Court's rationale for denying the bond motion.

2. The government has produced voluminous discovery in this matter to date, including dozens of reports in the FBI's files, surveillance footage, and search warrant returns pertaining to the defendant. In addition, the government has produced numerous videos and photographs taken by other rioters on January 6, including footage recorded by his two co-conspirators. The government has also produced via a terabyte hard drive voluminous electronic discovery pertaining to co-conspirator, Josiah Colt, such as materials obtained via search warrant from his Facebook and iCloud accounts.
3. The government is aware of and takes seriously its obligations pursuant to Federal Rule of Criminal Procedure 16 and Local Criminal Rule 5.1(a), the provisions of *Brady v. Maryland*, 373 U.S. 83, 87 (1963), *Giglio v. United States*, 405 U.S. 150, 153-54 (1972), and the Jencks Act, 18 U.S.C. § 3500.
4. Numerous devices have been seized from the defendant and his two co-conspirators pursuant to legal process, including several devices that remain in filter review for potentially privileged information.
5. In light of the voluminous discovery in this matter, the government needs additional time to comply with its discovery obligations.
6. In addition, the parties have begun discussions of a pretrial resolution of this matter. Additional time is needed, however, to continue negotiations and potentially reach an agreement.

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.

WHEREFORE, the government respectfully requests that this Court set a status hearing, to the extent the Court has availability, for June 10, 2021, and that the Court exclude the period between May 10, 2021 and June 10, 2021 from the time within which a 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).

Respectfully submitted,

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Dated: May 14, 2021

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**ORDER**

Based upon the representations in the United States' Unopposed Motion to Exclude Time Under the Speedy Trial Act, and upon consideration of the entire record, it is hereby:

**ORDERED** that the United States' Unopposed Motion to Exclude Time Under the Speedy Trial Act, is GRANTED; it is further

**ORDERED** that a status hearing be scheduled for \_\_\_\_\_, 2021, at \_\_\_\_  
\_\_\_\_\_; and it is further

**ORDERED** that the time period between May 10, 2021 through the date of the next hearing is hereby excluded from the computation of time within which an information must be filed under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* The Court finds that the ends of justice served by the granting of such a continuance outweigh the best interest of the public and the defendant in a speedy trial, as the continuance will provide the parties with additional time to gather and review the voluminous discovery in this matter as well as discuss a potential pretrial disposition.

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PAUL L. FRIEDMAN  
UNITED STATES DISTRICT JUDGE