

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

<b>UNITED STATES OF AMERICA</b>	:
	:
v.	:
	:
<b>JUSTIN MCAULIFFE,</b>	:
<b>Defendant.</b>	:

**CRIMINAL NO. 21-MJ-135**

**CONSENT MOTION TO CONTINUE PRELIMINARY HEARING AND FOR  
EXCLUDABLE DELAY**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully files this Consent Motion to Continue the Preliminary Hearing in the above-captioned matter from February 18, 2021 to May 19, 2021. The Government and the defendant agree that there is good cause to extend the complaint in this case from January 20, 2021, and to adjourn the preliminary hearing in this case to May 19, 2021. Defendant concurs in this request and agrees that it is in his best interest. In support thereof, the government states as follows:

1. On January 20, 2021, the defendant was arrested and charged by Criminal Complaint with knowingly entering a restricted area, in violation of 18 U.S.C. § 1752(a)(1) and (a)(2). The defendant made an initial appearance in the Northern District of New York and was released with conditions. His initial appearance was scheduled for February 18 in the District of Columbia.
2. The government and counsel for the defendant have conferred, and are continuing to communicate in an effort to resolve this matter. The current restrictions on counsel, particularly those impacting defense counsel’s ability to communicate with his client

and the pandemic, have slowed this process. The parties agree that the complaint will remain in full force and effect through the new date of May 19, 2021. The parties agree that this stipulation and any order resulting therefrom shall not affect any previous order of pretrial detention or pretrial release.

3. The parties, therefore, would respectfully request that the preliminary hearing and the date by which an information or an indictment must be filed be continued until May 19, 2021. The parties agree that the failure to grant this continuance “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,” 18 U.S.C. § 3161(h)(7)(B)(iv). Therefore, “the ends of justice served by the granting of such continuance [will] outweigh the best interests of the public and the defendant in a speedy trial,” 18 U.S.C. § 3161(h)(7)(A), and the parties request an order to that end. The parties agree that pursuant to 18 U.S.C. § 3161, the time from February 18, 2021 through May 19, 2021, shall be excluded in computing the date for speedy trial in this case.

Wherefore, the parties respectfully request that the Court continue the Preliminary Hearing in this matter until May 19, 2021.

Respectfully submitted,

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UNITED STATES OF AMERICA :  
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 v. : CRIMINAL NO. 21-MJ-135  
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 JUSTIN MCAULIFFE, :  
 Defendant. :  
 :

**ORDER**

This matter having come before the Court pursuant to a Motion to Continue, upon consent, it is therefore

ORDERED that, after taking into account the public interest in the prompt disposition of criminal cases, good cause exists to extend the Preliminary Hearing currently scheduled for February 18, 2021 to May 19, 2021; it is

FURTHER ORDERED that the period from February 18, 2021 to May 19, 2021 be excluded from computing the time within which an information or indictment must be filed under the Speedy Trial Act because the ends of justice served by such a continuance outweigh the best interests of the public and Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7). The Court finds that COVID-19 has presented complications here that make it difficult for defense to meet with his client and prepare and that delay is necessary for the parties to work on a potential resolution.

It Is So Ordered.

\_\_\_\_\_  
Robin M. Meriweather  
United States Magistrate Judge

Entered: \_\_\_\_\_