

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

**v.**

**Case No. 1:21-cr-207 (TNM)**

**MATTHEW COUNCIL**

\_\_\_\_\_ /

**UNOPPOSED MOTION TO CONTINUE**

**NOW COMES** Matthew Council, by and through undersigned counsel, and moves this Court to continue the status conference set for today, May 27, 2022.

**STATEMENT OF POINTS AND AUTHORITIES**

Mr. Council was charged by indictment on March 10, 2021, and then by superseding indictment on December 1, 2021. The alleged offenses relate to the events of January 6, 2021, at the U.S. Capitol building. This Court held a status conference on April 27, 2022, at which the parties explained that Mr. Council's mental condition had stabilized and that he was in compliance with the terms of his pretrial release. Defense counsel also explained that he has retained Dr. Scot Machlus to examine Mr. Council and provide an opinion on his competence to stand trial, and other matters relevant to plea negotiations. This Court set the case for another status conference on May 27, 2022.

Dr. Machlus promises a report to defense counsel in early June 2022, though likely not sooner. Additionally, on May 26, 2022, the Pretrial Services Officer filed a

report with the Court indicating that Mr. Council remains in compliance with the conditions of his pretrial release. Lastly, defense counsel is scheduled to be in a different hearing prior to the status conference, which threatens to cause him to be late to the status conference.

Because the parties have little to tell the Court, and because of defense counsel's potentially conflicting hearing, this Court should continue this matter and set a status conference in June 2022. By then, Dr. Machlus will have provided his opinion on Mr. Council's competence, and the parties can resume (and perhaps conclude) plea negotiations.

The Government does not oppose the relief requested by this motion. The parties agree that the delay caused by such a continuance is excludable under 18 U.S.C. § 3161(h)(7)(A), because the ends of justice in granting the continuance outweigh the best interest of the public and the defendant in a speedy trial, given the need to determine Mr. Council's competence to stand trial.

**WHEREFORE**, Mr. Council prays this Court will continue the status conference set for May 27, 2022.

DATED this 27th day of May 2022.

Respectfully submitted,

A. FITZGERALD HALL, ESQ.  
FEDERAL DEFENDER

/s Samuel E. Landes

Samuel E. Landes, Esq.  
D.C. Bar No. 1552625  
Assistant Federal Defender  
400 North Tampa Street  
Suite 2700  
Tampa, Florida 33602  
Telephone: (813) 228-2715  
Facsimile: (813) 228-2562  
Email: [Samuel.Landes@fd.org](mailto:Samuel.Landes@fd.org)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 27th of May 2022, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send a notice of the electronic filing to:

AUSA Sean Murphy.

/s Samuel E. Landes

Samuel E. Landes, Esq.  
Assistant Federal Defender