

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D.C.

UNITED STATES OF AMERICA)
) No. 1:21-00267
) JUDGE CHRISTOPHER R. COOPER
)
v.)
)
BRYAN WAYNE IVEY)

**JOINT MOTION TO CONTINUE PROBATION STATUS HEARING AND TO
CONDUCT IT BY VIDEO TELECONFERENCE**

The defendant, Bryan Ivey, through undersigned counsel, and the United States, through undersigned counsel, hereby jointly move this Honorable Court for an order continuing the probation status hearing that is presently set for April 4, 2023, at 10:00 a.m. and setting it by video conference.

In support of this motion, the parties would show that Mr. Ivey is currently serving a term of three years' probation for his conviction for one count of Parading, Picketing, or Demonstrating in a Capitol Building. His term of probation commenced on March 30, 2022. The United States Probation Office has reported that Mr. Ivey is employed and is following the terms and conditions of his probation. Mr. Ivey recently obtained new employment with Timberline Drilling Company in Gordonsville, Tennessee, and is required to be at work on April 4, 2023. As a result, the parties respectfully request that the Court continue the status conference for approximately 100 days.

The parties also respectfully request that the Court convert the probation status hearing to a hearing by video teleconference. Video teleconferencing is authorized in criminal cases by this Court's Standing Order 20-17, *In Re: Use of*

Video Teleconferencing and Teleconferencing for Certain Criminal and Juvenile Delinquency Proceedings, Standing Order No. 20-17 (BAH) (Mar. 29, 2020). Video teleconferencing is authorized by Congress in Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136, Sec. 6002, Div. B. Title V, § 15002(b)(3)(A), 134 Stat. 281, 529 (2020). Videoconferencing authority for certain criminal proceedings remains in effect until May 8, 2023. *See In Re: Twelfth Extension of Authorization for Use of Video Teleconferencing and Teleconferencing for Certain Criminal and Juvenile Delinquency Proceedings*, Standing Order No. 23-06 (BAH) (Feb. 6, 2023).

Mr. Ivey lives in Antioch, Tennessee, near Nashville, Tennessee and works in Goodlettsville, Tennessee. Defense counsel lives and works in Nashville, Tennessee. Nashville is approximately 665 miles from this Court in Washington, D.C. Given the distance that counsel and defendant would have to travel to conduct the hearing in person, the defense respectfully requests that this Court conduct the status conference by video teleconference. The government would also like to conduct the status conference by video teleconference.

Wherefore, Mr. Ivey respectfully requests that this Court continue the status conference for approximately 100 days and to conduct the status conference by video teleconference.

Respectfully submitted,

s/ R. David Baker

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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2023, I electronically filed the foregoing *Joint Motion to Continue Status Conference and to Set by Video Conference* with the U.S. District Court Clerk by using the CM/ECF system, which will send a Notice of Electronic Filing to the following: Leslie A. Goemaat, Assistant United States Attorney, 555 4th St. N.W., Washington, D.C., 20530.

s/ R. David Baker

R. DAVID BAKER