

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	Case Number: 1:21-cr-00537-TJK
RYAN SAMSEL	:	
	:	
Defendant.	:	Hon. Timothy J. Kelly

GOVERNMENT’S MOTION FOR EXCLUDABLE DELAY

The Government respectfully requests that the Court find that the time period between October 14, 2021 and November 9, 2021 constitute excludable delay.

As set forth in the Government’s previous filing, substantial discovery has already been provided in this case. However, because the defendant’s criminal acts took place at the same general time and location as many other charged crimes, the government’s investigation into the breach of the United States Capitol on January 6, 2021(the “Capitol Breach”) has resulted in the accumulation and creation of a massive volume of data that may be relevant to many defendants. The government understands the magnitude and complexity of the discovery project presented by the January 6 attack on the Capitol. In particular, as alleged here, the Defendant, along with other rioters, pushed and pulled on metal barricades until the crowd successfully pushed the barricades down and on top of the officers (among other actions taken by the Defendant on January 6, 2021). Thus, the Defendant’s case, like other Capitol Breach cases, implicates discovery from other defendants. The discovery specific to the Defendant is also voluminous, including thousands of pages of materials, extractions from cellular phones, medical records for O-1, evidence regarding defendants who also participated in the alleged assault, and vast numbers of videos and screenshots.

Moreover, the Defendant's attorneys and the Government have had numerous discussions about the status of the case and discovery. The defense attorneys will need time to review and evaluate all of this evidence, some of which can only be reviewed at the U.S. Attorney's Office. In addition, the Government's investigation is ongoing. For example, the Government on September 21, 2021, the government interviewed another law enforcement officer and the Government anticipates a Superseding Indictment will be filed with additional charges regarding Defendant Samsel's interactions with that officer on January 6, 2021. Further, the ongoing COVID-19 global pandemic has slowed the process of doing in-person meetings, investigating, and interviewing potential victims and witnesses. Finally, the parties have not yet had the opportunity to engage in meaningful plea discussions.

The Government thus moves for a finding of excludable delay between the dates of October 14, 2021 and November 9, 2021. As set forth above, this case is "unusual and complex" due to the nature of the prosecution and involves substantial amount of discovery. *See* 18 U.S.C. § 3161(h)(7)(B)(ii), *see also* § 3161(h)(7)(B)(iv), and that, therefore, this time should be excluded in calculating the time within which the defendant must be brought to trial under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1). The excludable delay requested is reasonable and necessary so that defendant can fully prepare for trial and review the voluminous evidence in this case. Accordingly, the Government requests that the Court find that pursuant to 18 U.S.C. § 3161(h)(7)(A), the time period shall constitute excludable delay and that the ends of justice served outweigh the best interests of the defendant and the public in a speedy trial. The Government has conferred with the defense, who indicate they oppose this motion.

Respectfully submitted,

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Date: October 15, 2021

CERTIFICATE OF SERVICE

On October 15, 2021, the undersigned hereby certifies that a true and correct copy of the foregoing was electronically filed and served via the CM/ECF system, which will automatically send electronic notification of such filing to all registered parties.

/s/ Danielle Rosborough
Danielle Rosborough
Trial Attorney
U.S. Department of Justice

Date: October 15, 2021