

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	
JENNY CUDD,	:	21-CR-68 (TNM)
	:	
Defendant.	:	

UNOPPOSED MOTION TO CONTINUE STATUS HEARING

The United States of America hereby moves this Court for a continuance of the September 2, 2021 status hearing, and further to exclude the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. Section 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. Section 3161(h)(7)(A), (B)(i), (ii), and (iv). The government requests that the September 2, 2021 status hearing be continued until October 15, 2021, and that time be excluded. The Defendant Jenny Cudd, by and through counsel, Marina Medvin, does not oppose this motion. In support, the government states as follows:

1. Defendant Jenny Cudd is charged by indictment with the following: (1) Obstruction of an Official Proceeding, and Aiding and Abetting, in violation of 18 U.S.C. §§ 1512(c)(2) and 2; (2) Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); (3) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); (4) Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and (5) Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). *See* Indictment (ECF No. 18).

2. The government has produced and will continue to produce discovery in this case.

3. The parties have conferred and are continuing plea negotiations. In the interest of reaching a disposition in this matter, the parties request that the status hearing in this matter be continued in order to continue plea negotiations.

4. The government requests, and the Defendant agrees, to exclude from the calculation of the Speedy Trial Act the time from September 2, 2021 until our next status hearing, proposed for October 15. In this case, an ends-of-justice continuance is warranted under 18 U.S.C. Section 3161(h)(7)(A) based on the factors described in 18 U.S.C. Section 3161(h)(7)(B)(i)(ii) and (iv), including due to the complicated nature of these cases, the number of defendants, anticipated voluminous discovery, the reasonable time necessary for effective preparation by all parties, and to allow the parties additional time to engage in plea negotiations. Accordingly, the ends of justice served by granting a request for a continuance outweigh the best interest of the public and the defendants in a speedy trial.

5. A proposed order is attached.

WHEREFORE, the parties respectfully request that this Honorable Court (1) continue the status hearing in this matter from September 2, 2021, to October 15, 2021; and (2) exclude from the calculation of the Speedy Trial Act the time from September 2, 2021 to the next status hearing, proposed for October 15, 2021.

Respectfully submitted, this the 1st day of September, 2021.

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ORDER

Based upon the representations in the Unopposed Motion to Continue Status Hearing, and upon consideration of the entire record, the Court makes the following findings:

In this case, an ends-of-justice continuance is warranted under 18 U.S.C. § 3161(h)(7)(A) based on the factors described in 18 U.S.C. § 3161(h)(7)(B)(i)(ii) and (iv).

Due to the number of individuals currently charged across the January 6, 2021 investigation and the nature of those charges, the on-going investigation of many other individuals, the volume and nature of potentially discoverable materials, and the reasonable time necessary for effective preparation by all parties taking into account the exercise of due diligence, and the parties' request for a continuance to continue plea negotiations, the failure to grant such a continuance in this proceeding would be likely to make a continuation of this proceeding impossible, or result in a miscarriage of justice. 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.

Therefore, it is this ____ day of September, 2021,

ORDERED that the Unopposed Motion to Continue Status Hearing is hereby **GRANTED**;
it is further

ORDERED that this proceeding is continued to _____, 2021, at _____
_____; and it is further

ORDERED that the time period from the date of this Order through and including the date of the next hearing is hereby excluded from the computation of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

THE HONORABLE TREVOR N. MCFADDEN
UNITED STATES DISTRICT JUDGE