

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America)
)
 v.) USDC No. 21-cr-503 (RCL)
)
 Glenn Allen Brooks, *defendant*)

UNOPPOSED MOTION TO CONTINUE STATUS HEARING
AND TO WAIVE TIME UNDER THE SPEEDY TRIAL ACT

Defendant, through undersigned counsel Nathan I. Silver, II, Esq., (“counsel”) appointed by this Court under the Criminal Justice Act, with no opposition from the United States, moves the Court to continue the status hearing (in-person) from February 1, 2023, at 12:30 p.m., for a period of fourteen (14) days, consistent with the Court’s calendar and the government’s availability, for the following reason.

The defendant and his wife are in the process of obtaining a divorce. The divorce proceedings are taking place in California, which was until recently the defendant's residence.¹ The defendant reported to counsel that on January 14, 2023, he received notice dated Dec. 29, 2022, from the court in California that he must appear in-person in the Superior Court for the State of California (Orange County) for a “Case Resolution Conference” on January 31, 2023. (Exhibit attached) This is one day before the Court scheduled a status hearing to deal with defendant’s request for new counsel.²

¹ The defendant now resides in the State of Florida. He has been assigned a new Pretrial Services Agency (“PSA”) officer who provides courtesy supervision to the PSA of this Court.

² Federal Public Defender A.J. Kramer, Esq., contacted counsel on Dec. 23, 2022, regarding the defendant’s request made to the Court for new counsel. At Mr. Kramer’s request, counsel provided him with contact information for the defendant.

Thus, the defendant must travel from Florida to California in order to appear for the divorce matter, which will interfere with his ability to appear in person, as he has customarily, for the hearing on Feb. 1.

Counsel has advised the government by email of the defendant's plans to seek a continuance. The government, represented by asst. U.S. Attorney Joseph S. McFarlane, does not oppose.

A two-week long continuance will permit the defendant to make affordable travel arrangements to and from the District of Columbia for the next status hearing.

The defendant submits that it is in the interests of justice for the Court to continue the hearing, acknowledging that it is the defendant's personal situation that has prompted this request, and that this need outweighs the interests of the public and the defendant in a speedy trial. This is especially so given that the defendant has expressed a desire for new counsel, which itself could lead to further delay, and the Court has scheduled a status hearing to address that request.

The defendant therefore asks the Court to so find and respectfully moves the Court to toll the running of time under the Speedy Trial Act between February 1, 2023, and the date of the next court hearing³. The defendant waives that time under the Speedy Trial Act.

A proposed Order is attached.

WHEREFORE, the defendant respectfully moves the Court to grant said relief.

This pleading is,

Respectfully submitted,

³ Counsel advises the Court of his potential unavailability starting the week of Feb. 13, 2023: Feb. 14 at 1 p.m. (in-person hearing before Judge Bates); Feb. 16 at 3 p.m. (felony sentencing before Judge Bates, set by VTC but possibly in-person). Counsel is available without other conflicts the week of Feb. 20.

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading has been served via ECF on Joseph S. McFarlane, Esq., U.S. Dept. of Justice (USAO-DC), attorney of record for the government in the instant case, this 17th day of January, 2023.

/s/

Nathan I. Silver, II