

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 21-mj-434
	:	
JAMES BREHENY,	:	
Defendant.	:	

CONSENT MOTION TO EXCLUDE TIME FOR INDICTMENT

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully files this Consent Motion for Excludable Delay in the above-captioned matter, currently scheduled for August 4, 2021. The Government and the defendant agree that there is good cause to toll the Speedy Trial Act. Defendant concurs in this request and agrees that it is in his best interest. In support thereof, the government states as follows:

1. The government and counsel for the defendant have conferred and are continuing to communicate about this matter since the defendant's initial appearance on June 4, 2021. There is voluminous and evolving discovery. The government has produced several hundred pages of records in preliminary discovery to date. The parties agree that the complaint will remain in full force and effect through the next status date on August 4, 2021 and agree to toll all time related to presenting the case to a Grand Jury for indictment. The defendant has previously waived his right to a preliminary hearing. The parties agree that this stipulation and any order resulting therefrom shall not affect any previous order of pretrial release and conditions of pretrial release. Since discovery in this case, like nearly all cases stemming from January 6, 2021 is voluminous and

ongoing, the parties agree that the failure to toll “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,” 18 U.S.C. § 3161(h)(7)(B)(iv).

Dated: June 20, 2021

Respectfully submitted,

CHANNING B. PHILLIPS
ACTING UNITED STATES ATTORNEY

By: /s/ Louis Manzo
Louis Manzo
Special Assistant United States Attorney
Mass Bar: 688337
555 4th Street, N.W.
Washington, D.C. 20530
(202) 262-6570;
Louis.manzo@usdoj.gov

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

UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO. 21-mj-434**
 :
 JAMES BREHENY, :
 Defendant. :

ORDER

This matter having come before the Court pursuant to a Consent Motion to Exclude Time for Indictment, it is therefore:

ORDERED that the complaint and previous order of pre-trial release with conditions of supervised release remain in full force and effect.

ORDERED that the period from June 4, 2021 through August 4, 2021 shall be excluded from computing the time within which an information or indictment must be filed under the Speedy Trial Act because the ends of justice served by such a continuance outweigh the interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. " 3161(h)(1) & (h)(7). The Court finds that there is voluminous and evolving discovery, and that delay is necessary for the parties to consider resolutions.

It Is So Ordered.

Zia M. Faruqui
United States Magistrate Judge

Entered: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Consent Motion to Exclude Time for Indictment was served upon counsel of record for the defendant through the electronic court filing system, this 20th day of June 2021.

By: /s/ Louis Manzo
Louis Manzo
Special Assistant United States Attorney
Mass Bar 688337
555 4th Street, N.W.
Washington, D.C. 20530
(202) 262-6570
Louis.manzo@usdoj.gov