

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

Case No.: 21-CR-026 (CRC)	)	
UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
v.	)	Case No. 21-cr-026 (CRC)
CHRISTOPHER MICHAEL ALBERTS	)	
Defendant.	)	
_____ /	)	

**UNOPPOSED MOTION FOR TWO-WEEK CONTINUANCE OF TRIAL DUE  
TO SCHEDULING PROBLEMS AND ATTORNEY UNAVAILABILITY**

COMES NOW, the Defendant, Christopher Michael Alberts (“Alberts”), with this expedited motion for a two-week continuance of trial due to attorney unavailability. Alberts and counsel are preparing for trial in this case but are facing rapidly emerging issues which require this request for a brief continuance of trial in Alberts’ case. The government does not oppose this motion.

Counsel Pierce intends to try this case along with his partner Roger Roots, Esq., who has already done much of the research and preparation in this case. Undersigned counsel Pierce has reached out to Assistant US Attorney Samuel S. Dalke, who writes that the government will not oppose a 1-or 2-week continuance of the trial date but would oppose a longer continuance. Mr. Roots’ *pro hac vice*

admission petition is pending.<sup>1</sup> Unfortunately for our scheduling purposes, however, Mr. Roots is presently consumed as co-counsel in the currently ongoing “Proud Boy” trial presently underway before Judge Kelly. Mr. Roots is co-defending Defendant Dominic Pezzola (along with attorney Steven Metcalf).

At the time Mr. Roots became involved in the Proud Boy trial (in November 2022), he was only planning to be involved in jury selection, which was expected to take only three days. Instead, jury selection went for three weeks. Roots expected opening statements to be made on January 3. But opening statements were finally made on Thursday, January 12. Consequently, it seems likely that the Proud Boy trial will not end until mid-February. It originally seemed destined to end around late January or the first week of February.

Attorney Roots is necessary for an effective defense for Mr. Alberts. Roots has done much of the background work for Mr. Alberts’ defense. Mr. Roots has done most of the legal research, analysis and drafting memoranda regarding the case.

Additionally, counsel Pierce’s research staff and paralegal is tied up with the Proud Boys trial. Discovery rules in place mandate that only one person per law firm has a license to access the Relativity discovery database. Our main researcher Emily

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<sup>1</sup> Pursuant to the Court’s directions, Mr. Roots is updating his certificate of good standing from the Rhode Island bar, which has been ordered and is being mailed.

is that person in our firm and Emily is working the exhibit preparation and discovery research for the Proud Boy trial along with Mr. Roots.

Additionally, undersigned counsel John Pierce has been drawn into an important civil litigation matter on the west coast on Friday, February 3 involving a Fortune 500 corporation. This would entail multiple days of preparation and cross-country travel that will consume 5 to 7 days prior to February 6. This situation arose within the past 7 to 10 days. (Of course, Mr. Pierce will prioritize Mr. Alberts' trial, if necessary, but in light of the fact the Government does not oppose this motion, it would be ideal if Mr. Pierce could attend to this matter).

Mr. Pierce also underwent a significant oral surgery in December (involving general anesthetic), which required multiple weeks of recovery due to pain and medication. Although he was able to work during most of this recovery time, his capacity was diminished, which limited his ability to prepare for this trial.

CONCLUSION

For these reasons we are requesting a continuance of trial in this matter for two weeks, so that jury selection will begin on or about February 20<sup>th</sup>. Counsel is available to discuss this matter and address all these issues at the Court's notice.

Alberts attaches the following declaration by Mr. Roots.

Dated: January 17, 2023

RESPECTFULLY SUBMITTED,

/s/ John M. Pierce  
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*Attorney for Defendant*

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2023, a true and accurate copy of the forgoing was electronically filed and served through the ECF system of the U.S. District Court for the District of Columbia.

*/s/ Roger I. Roots*