

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

UNITED STATES OF AMERICA,

v.

FREDERICO GUILLERMO KLEIN,

Defendant.

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Criminal No. 1:21-cr-00040-TNM

MOTION TO JOIN AND ADOPT

Federico Guillermo Klein, by and through undersigned counsel, and pursuant to Rule 2 of the Federal Rules of Criminal Procedure, hereby respectfully requests this Court permit him to adopt and join Defendant David Lee Judd’s Consent Motion to Extend Time to File Proposed Jury Instructions and Voir Dire. Mot. (Aug. 15, 2022) (ECF No. 414).

As early as June 1, 2022, Mr. Klein advised the government that he was prepared to proceed with a bench trial in lieu of his Constitutionally guaranteed right to a trial by jury. As articulated in his July 27, 2022, Motion for a Bench Trial (ECF No. 397), the government did not oppose Mr. Klein’s request, but instead advised that it would only agree to a bench trial if all of Mr. Klein’s co-defendants also agreed to a bench trial. *Id.* It appears that Mr. Klein’s remaining co-defendants have now done so.¹

In the interim, Mr. Klein’s July 27, 2022, Motion also requested a continuance of his trial set for October 3, 2022, because, “defense counsel is anticipating the birth of his child on October 23, 2022.” *Id.* Defense counsel requested this continuance because, at the time the

¹ In his filing earlier this evening, co-defendant David Lee Judd advised the Court that, “[h]e . . . has agreed to waive his right to a jury trial.” Mot. (Aug. 15, 2022) (ECF No. 414). Earlier today, co-defendant Steven Cappuccio advised the Court he “would be amenable to a bench trial.” On August 9, 2022, the Court set a Plea Agreement Hearing for co-defendant Geoffrey William Sills. And on August 8, 2022, the Court agreed to continue co-defendant Christopher Joseph Quaglin’s jury trial.

motion was filed, Mr. Klein had four (4) co-defendants and the government anticipated that the trial of these co-defendants could last several weeks and potentially overlap with his child's anticipated due date.

Of course, defense counsel is aware of the government's desire for him to be available for another trial. *See* Response (Aug. 12, 2022) (ECF No. 411) ("As stated in Court on August 8, 2022, the government does not oppose defendant Klein's motion to continue his trial, for the sole reason that, at the time of the trial in this matter, Klein's counsel is scheduled to have already begun a trial before the Honorable Amit P. Mehta in *United States v. Rhodes, et. al.*, 22-cr-15.").² To be clear, when defense counsel first noticed his provisional appearance in that case, his unavailability for a trial in October was expressly discussed, in response to which, the Court advised, "that also means that you all ought to be tentatively be ready to go in November [with the second trial group] for Mr. Meggs." H'rg T. at 137:23-25 (May 17, 2022).

Defense counsel truly appreciates the desire of the Court and the government to resolve as expeditiously as possible cases related to the events of January 6, 2022. As it appears the government now has no objection to Mr. Klein's trial proceeding without a jury, *see* Fed. R. Cr. P. 23, whenever that may occur, Mr. Klein respectfully requests the Court permit him to join co-defendant David Lee Judd's motion to extend the time within which proposed jury instructions and *voir dire* questions are to be submitted. *See* Mot. (Aug. 15, 2022) (ECF No. 414).³

[SIGNATURE ON NEXT PAGE]

² Defense counsel was not present at the Court's August 8, 2022, hearing and the *first time* defense counsel heard from the government in *this case* that it would not oppose a continuance of Mr. Klein's trial was in its August 12, 2022, untimely "response" to Mr. Klein's Motion for a Bench Trial.

³ Of note, the government has yet to provide the Group Two co-defendants with *any* proposed jury instructions or *voire dire* questions..

Dated: August 15, 2022

Respectfully submitted,

/s/ Stanley E. Woodward, Jr.

Stanley E. Woodward, Jr. (D.C. Bar No. 997320)

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CERTIFICATE OF SERVICE

On August 15, 2022, 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 the following registered parties:

Respectfully submitted,

/s/ Stanley E. Woodward, Jr.

Stanley E. Woodward, Jr. (D.C. Bar No. 997320)

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