

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

UNITED STATES OF AMERICA

v.

STEVE OMAR MALDONADO,

Defendant

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CASE. NO. 21-CR-176-CJN

**JOINT MOTION FOR CONTINUANCE
AND JOINT STATUS REPORT**

The United States, by and through its attorney, the United States Attorney for the District of Columbia, and Defendant, by and through his attorney, Shelli Peterson (collectively, “the Parties”), respectfully request a 60-day continuance of this matter and also submit a joint status report, and state as follows:

1. On March 3, 2021, the defendant, Steve Omar Maldonado, was charged by way of indictment with (Count One) Obstruction of an Official Proceeding and Aiding and Abetting in violation of Title 18 U.S.C. §§ 1512(c)(2), 2; (Count Two) Entering and Remaining in a Restricted Building or Grounds in violation of Title 18 U.S.C. § 1752(a)(1); (Count Three) Disorderly and Disruptive Conduct in a Restricted Building or Grounds in violation of Title 18 U.S.C. § 1752(a)(2); (Count Four) Entering and Remaining in the Gallery of Congress in violation of Title 40 U.S.C. § 5104(e)(2)(B); (Count Five) Disorderly Conduct in a Capitol Building in violation of Title 40 U.S.C. § 5104(e)(2)(D); and (Count Six) Parading Demonstrating, or Picketing in a Capitol Building in violation of Title 40 U.S.C. § 5104(e)(2)(G). ECF 9.

2. The defendant has been out on bond since his arrest on February 12, 2021. Defendant remains compliant with conditions of release.

3. Since the defendant's arraignment on March 15, 2021, the Court has (collectively) ordered the exclusion of time from Speedy Trial calculations through March 14, 2022. The Court has also ordered a status hearing on March 14, 2022, at 4:00pm.

4. Since January 19, 2022, the filing of the most recent status report, the parties have discussed the facts and possible plea of this case. Additionally, since January 28, 2022, the following items among others were produced to the defense Relativity workspace: 8 sensitive audio files of Capitol Police radio communications and redacted transcripts; a spreadsheet listing start times of Arlington County Police pole camera videos; 18,484 anonymous tip files and related documentation to the MPD Tipline; 3 interview reports and 4 related files regarding Safeway Grocery stores and interstate commerce; and 3 sensitive files regarding the security of Vice President Pence. Defense counsel access to this defense Relativity workspace via her own office, the Federal Public Defender's (FPD's) office in DC. Through this FPD office, defense counsel also has access to evidence.com to access voluminous video files. Note, pursuant to protective order in this case (ECF 16), parties remain complaint with discovery designated as Sensitive or Highly Sensitive.

5. On February 15, 2022, a Memorandum Regarding Status of Discovery as of February 9, 2022, was filed. ECF 32. This memorandum addresses the status of: (1) production of voluminous amounts of video to the FPD instance of evidence.com, and the multiple tools the government has provided to assist the defense in locating footage they may consider relevant; (2) the ability of inmates housed in the D.C. Department of Corrections ("DOC") to access those same materials through a separate DOC instance of evidence.com; (3) voluminous documents produced since our last status memorandum dated November 5, 2021; (4) the ability of legal defense teams

to obtain access to FPD's Relativity workspace, and the current contents of that database; (5) manner of production of voluminous documents in view of defense counsel access to Relativity; (6) plans for an e-discovery room in the DOC; (7) access by inmates to laptops made available through the DOC's e-discovery program; (8) access to voluminous discovery by *pro se* defendants; (9) challenges we are overcoming; and (10) our plan for certain trials that may proceed before our discovery plan is substantially executed.

6. Additionally, since the last filing, the defendant's prior counsel, Cara Halverson, has left the Federal Public Defender's Office. Shelli Peterson also works with the Federal Public Defender's Office is representing the defendant until new counsel can be assigned. New counsel is expected to be assigned on or about March 14, 2022. Given this situation and the time needed to review discovery, defense counsel requests a 60-day continuance.

7. Parties are agreed to a 60-day continuance of this matter and to excluding the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

