

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

**UNITED STATES OF AMERICA,**

**v.**

**RUSSELL DEAN ALFORD,**

**Defendant.**

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**Case No. 21-CR-263 (TSC)**

**JOINT MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America, through the U.S. Attorney for the District of Columbia, and joined by defendant Russell Dean Alford, through undersigned counsel, request that the Court exclude the time between October 22, 2021 and October 29, 2021, from the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv). In support, the parties submit as follows:

1. On March 22, 2021, the defendant was charged via criminal complaint with Unlawful Entry and Disorder and Disruptive Conduct in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(1) and (2), and Disorderly Conduct and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D) and (G). *See* ECF No. 1.
2. On March 29, 2021, the defendant was arrested in Alabama and had his initial appearance. ECF Nos. 5, 6.
3. On March 30, 2021, the defendant was charged via Information with one count of Entering and Remaining in any Restricted Building or Grounds in violation of 18 U.S.C.

§ 1752(a)(1); one count of Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); one count of Disorderly Conduct in a Capitol Building in violation of 40 U.S.C. § 5104(e)(2)(D), and one count of Parading, Demonstrating, or Picketing in a Capitol Building in violation of 40 U.S.C. § 5104(e)(2)(F). ECF No. 8.

4. On April 1, 2021, the defendant had his initial appearance and arraignment in the U.S. District Court for the District of Columbia, after which he was released on his personal recognizance subject to conditions. *See* ECF No. 11. Magistrate Judge Harvey excluded time under the Speedy Trial Act between April 1 and April 7, 2021.
5. Following a status hearing on April 7, 2021, the Court excluded time in the interest of justice between April 7 and June 7, 2021, the date of the next scheduled status conference.
6. On May 25, 2021, the Court, pursuant to an unopposed motion filed by the government, entered a protective order governing the dissemination of discovery. *See* Dkt. 18.
7. At a status hearing on June 11, 2021, the Court, upon the consent of both parties, excluded time in the interest of justice between June 11 and August 23, 2021, the date of the next scheduled status conference.<sup>1</sup>
8. At the August 23, 2021 status hearing, the Court, upon the consent of both parties, excluded time in the interest of justice between August 23 and October 22, 2021, the date of the next scheduled status conference.

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<sup>1</sup> The time between June 7—the date of the originally scheduled status hearing—and June 11—the rescheduled status hearing—was not excluded under the Speedy Trial Act.

9. On October 19, 2021, the parties informed the Court that they had reached an agreement in principle to resolve this case by plea agreement. The parties requested that the Court vacate the October 22, 2021 status conference and set a plea hearing date.
10. On October 20, 2021, the Court vacated the October 22 status conference and set a plea hearing of October 29, 2021 at 12:30 p.m. The Court's minute order setting the plea hearing is silent with respect to the tolling of time under the Speedy Trial Act.
11. As set forth in the discovery memoranda filed at ECF No. 21, the government continues to abide by its discovery obligations in this case, including by periodically providing sizable productions of "global" discovery, which, to date, has included over three terabytes of U.S. Capitol Police ("USCP") surveillance footage, approximately 1,676 files consisting of District of Columbia Metropolitan Police Department body-worn-camera footage recorded between approximately 1:00 p.m. and 6:00 p.m. on January 6, 2021, and over 850 pages of redacted reports and exhibits from USCP investigations of alleged wrongdoing by USCP officers on January 6, 2021.
12. The government has also specifically provided to the defendant all surveillance camera footage that shows the defendant's ingress and egress from the U.S. Capitol Building, along with relevant time stamps to facilitate defense counsel's review of this surveillance footage.
13. Defendant and defense counsel waive time under the Speedy Trial Act, and represent that the exclusion of time is in the best interest of the defendant because it will allow the defendant to finalize the plea paperwork and to review all of the new surveillance footage and new "global" discovery with his counsel.

WHEREFORE, the United States and the defendant jointly request that this Court exclude the time from October 22, 2021, through and including October 29, 2021 (the date of the plea hearing) from the time within which the indictment must be returned and the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

Respectfully submitted,

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