

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

**UNITED STATES OF AMERICA**

**v.**

**DANIEL PAUL GRAY,**

**Defendant.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 21-cr-495 (ABJ)**

**JOINT STATUS REPORT AND MOTION TO CONTINUE STATUS CONFERENCE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and Maria Jacob, counsel for Daniel Paul Gray (“the defendant”), hereby submit the following Joint Status Report. The parties also respectfully move the Court to continue the status conference currently scheduled for Tuesday, February 8, 2022, for a period of approximately 30 days, and to exclude the intervening time under the Speedy Trial Act. In support of the Motion, the parties represent:

1. The defendant is before the Court charged in a criminal indictment with several offenses, including: Civil Disorder, in violation of Title 18, United States Code, § 231(a)(3); Obstruction of an Official Proceeding, in violation of Title 18, United States Code §§ 1512(c)(2), 2; Resisting, or Impeding Certain Officers, in violation of Title 18, United States Code, § 111(a)(1); Entering and Remaining in a Restricted Building, in violation of Title 18, United States Code, § 1752(a)(1); Disorderly and Disruptive Conduct in a Restricted Building, in violation of Title 18, United States Code, § 1752(a)(2); Engaging in Physical Violence in a Restricted Building or Grounds, in violation of Title 18, United States Code, § 1752(a)(4); Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, § 5104(e)(2)(D); Act of Physical Violence in the Capitol Grounds

or Buildings, in violation of Title 40, United States Code, § 5104(e)(2)(F); and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, § 5104(e)(2)(G) (ECF No. 12).

2. The defendant is out of custody.
3. The government continues to provide voluminous discovery to the defense (ECF Nos. 18, 20, 21, and 22), and most recently made voluminous discovery production number 11. Additionally, a searchable discovery platform has just been made available to all parties related to the January 6, 2021 litigation.
4. On or about October 5, 2021, the government extended a plea offer. The government recently indicated the plea offer would expire in approximately 30 days from now.
5. In light of the ongoing litigation in multiple cases regarding the viability of 18 U.S.C. §1512, the defendant is still considering the plea offer.
6. The parties propose the status conference currently scheduled for February 8, 2022, be continued approximately 30 days, at the Court's convenience. If the defendant would like to accept the plea offer, the parties will contact the Court prior to the next status conference asking that hearing be converted to a change of plea proceeding. If the defendant rejects the plea offer, the government requests the Court's permission to place the plea offer on the record at the status conference scheduled in approximately 30 days, and a trial date will be selected.
7. The parties believe it is in the interest of justice to toll the Speedy Trial Act while the defendant continues to consider the plea offer and the government continues to provide discovery. The parties thus request a tolling of the Speedy Trial Act, pursuant to 18 U.S.C.

§ 3161(h)(7)(A), based on the factors described in 18 U.S.C. 3161(h)(7)(B)(i), (ii), and (iv), as well as 18 U.S.C. § 3161(h)(1)(G).

8. Therefore, the parties request the February 8, 2022 status conference be continued for approximately 30 days, and that there is an exclusion of time under the Speedy Trial Act from February 8, 2022, through the next scheduled status conference.
9. The defendant concurs with this request.

Respectfully submitted,

MATTHEW M. GRAVES  
United States Attorney

By:       /s/        
Jacqueline Schesnol  
AZ Bar No. 016742  
Capitol Riot Detailee  
Two Renaissance Square  
40 N. Central Ave., Suite 1800  
Phoenix, AZ 85004-4449  
(602) 514-7500  
jacqueline.schesnol@usdoj.gov

      /s/        
Maria Jacob  
Counsel for Daniel Gray  
Office of the Federal Public Defender  
625 Indiana Ave, N.W.  
Washington, DC 20004  
(202) 208-7500  
maria\_jacob@fd.org