

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

UNITED STATES OF AMERICA

v.

DANIEL PAUL GRAY,

Defendant.

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Case No. 21-cr-495 (ABJ)

JOINT STATUS REPORT AND MOTION TO CONTINUE STATUS CONFERENCE

Daniel Gray, by and through its attorney, with the consent of the United States Attorney for the District of Columbia, hereby submit the following Joint Status Report. The parties also respectfully move the Court to continue the status conference currently scheduled for Monday, March 7, 2022 for a period of approximately 45 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 and has been compliant with his conditions of release.
3. The government has provided access to the Relativity Database and undersigned counsel has recently been trained on how to navigate the program. However, counsel has not had a meaningful opportunity to review its contents with a focus on Mr. Gray's case.
4. On or about October 5, 2021, the government extended a plea offer and counsel has reviewed it with Mr. Gray. Before making a decision on whether to enter a plea of guilty, Mr. Gray would like to review more discovery and make a few defense discovery requests. He also wishes to potentially propose a counter-offer to the government's plea offer.
5. Although there have been five recent decisions regarding the viability of 18 U.S.C. §1512, there are still a few cases with outstanding decisions.
6. The parties propose the status conference currently scheduled for March 7, 2022, be continued approximately 45 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.
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 review 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).

