

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

UNITED STATES OF AMERICA

v.

ANDREW TAAKE,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

No. 1:21-cr-00498-CJN

**MOTION TO EXTEND DEADLINE TO RESPOND TO DEFENDANT’S MOTION AND
SUPPLEMENTAL MOTION TO DISMISS COUNT TWO OF THE FIRST
SUPERSEDING INDICTMENT**

The United States of America moves this Court for a continuance of its deadline to respond to the defendant’s motion and supplemental motion to dismiss Count Two of the First Superseding Indictment. In support of this motion the government states as follows:

1. At a status conference held on July 7, 2022, counsel for the defendant stated the intention to file a motion to dismiss Count Two of the First Superseding Indictment charging the defendant with Obstruction of an Official Proceeding, in violation of 18 U.S.C. 1512(c)(2). Based upon this representation the Court ordered the defendant to file the motion by July 15, 2022, with the Government response due July 29, 2022.
2. On July 15, 2022, the defendant filed his motion to dismiss. The motion cited two grounds as a basis for a dismissal: 1) §1512 does not criminalize the obstruction of legislative action by Congress, and 2) §1512 is constitutionally infirm because of its inherent vagueness. (ECF 29).
3. On July 25, 2022, 10 days after the deadline for filing of the motion had passed, the defendant filed a supplemental motion to dismiss. The supplemental motion raised a

new ground as a basis for the dismissal by asserting that the defendant's conduct failed to fit within the scope of 18 U.S.C. §1512(c)(2) and Count Two should be dismissed for the same reasons set forth in the Court's recent opinion in *United States v. Garret Miller*, 1:21-CR-119 (CJN), ECF No. 72 (ECF 31).

4. Despite the fact that the defendant's supplemental motion was filed 10 days past the July 15, 2022, deadline, the Government does not object to filing of the supplemental motion.
5. However, because the supplemental motion raises a new basis for the dismissal the Government has had insufficient time to prepare an adequate response. The Government therefore requests the Court extend the deadline for the Government's response to both the original motion to dismiss and the supplemental motion to August 8, 2022 – 14 days from the date the supplemental motion was filed. Allowing such an extension would not cause unnecessary delay and would allow all issues to be addressed in one response.
6. The Government has emailed counsel for the defendant to determine if there is opposition to this Motion but has not received a response by the time of filing.

WHEREFORE, the Government respectfully request that this Court grant the motion to extend the date for the Government to file a response to the original and supplemental motion to dismiss until August 8, 2022.

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar Number 481052

By: /s/ Barry K. Disney
Barry K. Disney
KS Bar No. 13284
Assistant United States Attorney – Detailee
U.S. Attorney’s Office for the District of Columbia
601 D Street, N.W.
Washington, D.C. 20530
Email: Barry.Disney@usdoj.gov
Cell: (202) 924-4861

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2022, I caused a copy of the foregoing motion to be served on counsel of record via electronic filing.

/s/ Barry K. Disney
Barry K. Disney
KS Bar No. 13284
Assistant United States Attorney – Detailee