

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

UNITED STATES OF AMERICA,)
)
 v.)
) **No. 21-CR-604 PLF**
TYLER SLAEKER,)
)
 Defendant.)
_____)

JOINT STATUS REPORT AND MOTION TO CONTINUE

The parties submit this joint status report to provide the Court with an update on the status of the above-captioned case, and to move the court to continue the case for approximately 45 days, at which time the parties can appear for a status conference.

Joint Status Report

Since the parties' last appearance in January 2022, the government has produced significant additional discovery. First, the government's February 10, 2022 memorandum regarding the implementation of the Capitol Siege global discovery plan outlines some of the progress that has been made to give defense counsel access to voluminous data that has been collected by the government. *See* Dkt. 37.

Second, since the last status conference in this case, the government has also produced one global production, involving thousands of files, to all Capitol Breach defendants. This production included, among many other things, U.S. Capitol Police material; over 18,000 files of anonymous tips and related documentation made to the Metropolitan Police Department Tipline; files related to interstate commerce; and government work product aimed at assisting defense counsel in understanding the discovery in this investigation.

Third, the Government has also provided defense counsel access to a tour of the crime scene, which has been directed by the United States Capitol Police.

The discovery process and negotiations with respect to a potential resolution of this case are expected to continue into the first week of May.

The Court has requested that the parties propose dates after April 11, 2022, to set a status conference in this case. The parties propose to set a status conference on any of the following dates, which are generally available at this time for the parties: May 3 – May 5, 2022.

Motion to Continue

This filing also serves as a joint motion to continue this case for a period of approximately 45 days. The parties request that the Court exclude the time from March 16, 2022 until that next date 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 action 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). Counsel for the defense and for the government require additional time to review the discovery that has been provided to date, and to permit the defendant to review that material, some of which is designated “Highly Sensitive” pursuant to the protective order.

Kimberly Hodde, counsel for the defendant, has conferred with Mr. Slaeker and the defendant has authorized Ms. Hodde to report that he consents to this continuance and the exclusion of time under the Speedy Trial Act.

Accordingly, the parties now jointly move this Court to continue this case for a period of approximately 45 days. Such a continuance will allow for the continued provision and review of discovery in this unusual and complex case, and will grant counsel for the defendant and the

attorneys for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Proceeding to trial without such a continuance would be likely to result in a miscarriage of justice, would make it unreasonable to expect adequate preparation for pretrial proceedings and trial itself due to the unusual and complex nature of the prosecution, and would deny counsel for the parties the time necessary for effective preparation.

Respectfully submitted,

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