

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

**UNITED STATES OF AMERICA**

**vs.**

**THERESE BORGERDING,  
Defendant**

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**Case No. 21-cr-0631-2 (TJK)**

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**CONSENT MOTION TO CONTINUE  
STATUS CONFERENCE FOR FORTY-FIVE DAYS**

Defendant Therese Borgerding, by her undersigned counsel hereby respectfully moves this Honorable Court to continue for forty-five days the Status Conference scheduled for November 29, 2022 to allow Ms. Bording to continue to review discovery that the Government has produced and consider the plea agreement offered by the Government. AUSA Joseph McFarlane consents to this request. AFPD Ned Smock, who represents Co-Defendant Walter J. Messer consents and joins in this request.

1. Ms. Borgerding and Mr. Messer are charged by Information with various misdemeanor offenses arising out of their alleged conduct at the United States Capitol on January 6, 2021. *See* Information (ECF 15, filed 10/15/21).

2. The Government has produced and continues to produce extensive discovery, including multiple videos and other materials. The defendants require additional time to review the discovery and discuss it with counsel and to consider how to proceed in the case. Part of the delay in reviewing discovery is that much of it is designated “highly sensitive” so that the defendants may only review the materials in the presence of counsel or their staff, which process is time-consuming.

3. Tolling of the Speedy Trial is in the best interests of Ms. Borgerding and Mr. Messer and of the public and furthers the interests of justice.

4. Both defendants are released pretrial and are in compliance with the conditions of release.

WHEREFORE, Ms. Borgerding with the consent of counsel for Mr. Mosser and counsel for the Government respectfully requests that the Court continue the Status Conference scheduled for November 29, 2022 for approximately forty-five days to and including January 13, 2023.

Respectfully submitted,

/s/ Carmen D. Hernandez

**Carmen D. Hernandez**

Bar No. MD 03366

7166 Mink Hollow Rd

Highland, MD 20777

240-472-3391

chernan7@aol.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Consent Motion to Continue the Preliminary Hearing was served this 29<sup>th</sup> day of November, 2022 on all counsel of record via ECF.

/s/ Carmen D. Hernandez

**Carmen D. Hernandez**