

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

UNITED STATES OF AMERICA

v.

BENJAMEN BURLEW,

Defendant.

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Case No. 21-CR-647

STATUS REPORT

The United States of America, with concurrence of defense counsel, hereby respectfully submits this status report to the Court regarding the above-captioned case.

A. Background

The defendant was charged by complaint on June 25, 2021. The arrest warrant was executed in August 2021, and the defendant made an initial appearance in the District of Columbia on August 26, 2021. Time was excluded under the Speedy Trial Act from August 26, 2021, until a status hearing on November 8, 2021.

The defendant was indicted on October 27, 2021. He made his initial appearance on the indictment on November 5, 2021. The Court ordered the parties to file the attached status report by noon on February 4, 2022, to address the status of discovery, next steps, and speedy trial.

B. Discovery

The United States has produced initial discovery as directly pertains to the charges against Mr. Burlew. This information includes, among other items: grand jury transcripts and exhibits, open source and body cam videos of the assault on law enforcement and assault on a person within the territorial jurisdiction of the United States, reports of interview, and documents pertaining to the identification of Mr. Burlew. The government also produced to defense counsel the omnibus productions as part of the Capitol Riots discovery process, and filed a discovery memorandum to

update counsel and the Court regarding those productions on November 5, 2021 (ECF No. 11), which included the status of discovery as of July 12, 2021, August 23, 2021, September 14, 2021, and October 21, 2021. The government also sent to defense counsel letters regarding updates in the omnibus discovery database and the contents to which defense counsel had access through the USA FX database. The government anticipates that it will be filing another discovery update on or about February 4, 2022.

C. Plea Negotiations

The government extended a plea offer to Mr. Burlew. The government was informed by defense counsel that the plea offer was not accepted.

D. Speedy Trial Act and Next Steps

The government anticipates that a pre-trial resolution of this matter will be not reached. The government requests that the time between the filing of this status report and the next status conference be tolled under the Speedy Trial Act, pursuant to Chief Judge Howell's Standing Order 21-79 dated December 13, 2021, and 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions 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). Counsel for the defendant concurs in this request. The government and defense counsel request that the Court set a status conference for this matter in the next 60 days for the purpose of setting a trial date and motions deadline.

Respectfully submitted,

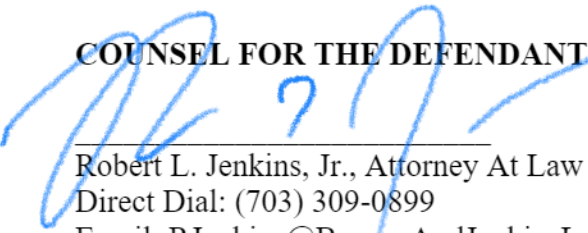
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