

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

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|---------------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA | : | |
| | : | CASE NO. 21-CR-566 (RCL) |
| v. | : | |
| | : | |
| DAVID NICHOLAS DEMPSEY | : | |
| | : | |
| Defendant. | : | |

**JOINT MOTION TO CONTINUE AND
TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States, by and through its attorney, the United States Attorney for the District of Columbia, and defendant, David Nicholas Dempsey, by and through his counsel, Sabrina Shroff, hereby jointly move to vacate the December 20, 2021 status hearing scheduled for 12:30 p.m. and to continue the matter for approximately 60 days, and further to exclude the time within which 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 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), (B)(i), (ii), and (iv). In support of this motion, the parties state as follows:

1. On October 18, 2021, the parties appeared for an initial status hearing before District Judge Lamberth, at which time the Court set a status hearing on December 20, 2021 and excluded time under the Speed Trial Act until that date. The defendant is detained pending resolution of this matter.

2. Since the last status conference, the government has produced over 400 files of electronic evidence related to the specific charges against the defendant, including video, photos, documents and reports. Further, the government has provided additional evidence related to the investigation of the Capitol Breach as described in the United States' Memoranda

Regarding Status of Discovery (“Status Memoranda”) filed on December 12, 2021 (ECF No. 17).

3. As noted in the government’s Status Memoranda, the investigation and prosecution of the Capitol Beach will likely be one of the largest in American history, both in terms of the number of defendants prosecuted and the nature and volume of the evidence. Though the government has and will continue to diligently review and produce evidence to the defense, the nature and size of the overall investigation understandably affects the timeline for each individual case.

4. During any continuance granted by the Court the defense will review discovery provided by the government, and the government will continue to collect, catalogue, and provide discovery. The parties also intend to discuss the possibility of a pre-trial resolution.

5. The parties submit that under these circumstances, continuing the December 20, 2021 status hearing for 60 days to allow the government to continue to produce discovery related to defendant and the larger Capitol Breach investigation and to allow the defense the opportunity to review the voluminous discovery productions would best serve the ends of justice and that such a continuance outweighs the interests of the public and the defendant in a speedy trial.

WHEREFORE, the parties respectfully jointly request that the December 20, 2021 status hearing be continued for 60 days. The parties further request that the Court make a finding that it is in the interests of justice that the time between December 20, 2021 and the next status date be excluded from the Speedy Trial Act calculation.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On this 17th day of December, 2021, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

/s/ Katherine Nielsen
KATHERINE NIELSEN
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