

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No.: 21-mj-00569-ZMF
	:	
MADISON PETTIT and	:	
GABRIEL BURRESS,	:	
	:	
Defendants.	:	

**CONSENT MOTION TO CONTINUE STATUS CONFERENCE
AND FOR EXCLUDABLE DELAY**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully files this Consent Motion to Continue the Status Conference in the above-captioned matter. The Government and the Defendants agree that there is good cause to extend the Complaint in this case and to adjourn the preliminary hearing/status conference in this case from October 26, 2021, to early to mid-January 2022. Each Defendant agrees with this request and believes that it is in their best interest. In support thereof, the Government states as follows:

The Government and counsel for the Defendants have conferred since the Initial Appearance on August 25, 2021. The Government released a significant amount of preliminary discovery – and what we anticipate will be the bulk of discovery tied to the Defendants directly - to the Defendants last week and we intend to make further releases in the next several days. This discovery included reports, photographs, video and audio recordings, and evidence gathered by court order, etc. In addition, the Government notified the Defendants

of global discovery productions available to them, containing larger set of information, including video, generated by the events of January 6, 2021, and showing the events of January 6, 2021.

The Government agrees that the Defendants need additional time to review the released discovery and that the Government has several other files to turn over in discovery. The parties agree that only after discovery is complete and reviewed by the Defendants, will the parties be in a position to have meaningful plea negotiations and discuss the resolution of this matter short of trial.

The parties agree that the Complaint (ECF 1) will remain in full force and effect through the new date set by this Court. The parties agree that this stipulation, and any order resulting therefrom, shall not affect any previous order of pretrial detention or pretrial release.

The parties, therefore, would respectfully request that the next Status Conference, and the date by which an information or an indictment must be filed, be continued to early January 2022, consistent with this motion. Defense counsel have reviewed their calendar and because of existing conflicts in early January 2022, respectfully propose the Status Conference reset to the afternoon of **January 11, 13, or 20, 2022**. The parties also request that this hearing be conducted remotely by video because the Defendants reside in Ohio.

The parties agree that the failure to grant this continuance “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,” 18 U.S.C. § 3161(h)(7)(B)(iv). Therefore, “the ends of justice served by the granting of such continuance [will] outweigh the best interests of the public and the defendant in a speedy trial,” 18 U.S.C. § 3161(h)(7)(A), and the parties request an order to that end. The parties agree that pursuant to 18 U.S.C. § 3161, the time from October 26, 2021, to the date set by this Court, shall be excluded in computing the date for speedy trial in this

case.

By the filing of this motion, the Government represents that counsel for the Defendants: Peter A. Cooper for Madison Pettit and Allen H. Orenberg for Gabriel Burrese, agree with this motion and have reviewed this document before filing.

Respectfully submitted this the 20th day of October, 2021.

CHANNING PHILLIPS
ACTING UNITED STATES ATTORNEY

By: /s/ Michael W. Mitchell
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ORDER

This matter having come before the Court pursuant to a Motion to Continue, upon consent, it is therefore ORDERED that, after taking into account the public interest in the prompt disposition of criminal cases, good cause exists to extend the Status Conference from October 26, 2021, to _____.

It is FURTHER ORDERED that this period shall be excluded from computing the time within which an information or indictment must be filed under the Speedy Trial Act because the ends of justice served by such a continuance outweigh the best interests of the public and Defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(7). The Court finds that the discovery process is underway and the defense need additional time to review discovery and discuss a resolution of this matter with the Government for a potential resolution.

It Is So Ordered.

ZIA M. FARUQUI
United States Magistrate Judge

Entered: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing motion was served upon counsel of record through ECF on the date of filing, this the 20th day of October, 2021.

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