

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : Criminal No. 21-CR-00592-ABJ  
 :  
 DAVID WIERSMA, :  
 DAWN FRANKOWSKI, :  
 :  
 Defendants. :

**THIRD JOINT MOTION TO CONTINUE APRIL 26, 2022, STATUS  
HEARING AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America and Defendants, David Wiersma and Dawn Frankowski, through counsel hereby move this Court for a 60-day continuance of the Status Conference set for April 18, 2022, and further to exclude 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 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 its motion, the Government states as follows:

1. Defendants are charged by Information with misdemeanor offenses related to crimes that occurred at the United States Capitol on January 6, 2021.
2. On October 14, 2021, this Court held a status hearing. The parties discussed the status of discovery and plea negotiations.
3. Since then, the Government has continued to provide discovery to counsel. Specifically, the Government has provided substantial, individualized discovery related specifically to Defendants' conduct as well as discovery from other sources.
4. Additionally, the United States has provided formal, written plea offers to Defendants.

Counsel for Defendants have indicated that they need additional time to discuss the offers with their clients.

5. The parties have discussed the case status and agreed that a 60-day continuance of the Status Hearing set for April 26, 2022, would assist in reviewing and discussing the plea offer and the discovery with their clients. The parties also agreed to toll the Speedy Trial Act from the date this Court enters an Order on this motion through and including the date of the next Status Hearing. The parties further request that the Court conduct the next Status Hearing via videoconference.

Accordingly, the parties respectfully request that this Court grant the motion to continue the Status Hearing set for April 26 for an additional 60 days from the date this Court enters an Order on this motion through and including the date of the next hearing, and that the Court exclude 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 actions outweigh the best interest

of the public and Defendants in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

Respectfully submitted,

          /s/          

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