

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

PATRICK MONTGOMERY,
BRADY KNOWLTON, and
GARY WILSON

Defendants

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Case No. 21-CR-00046-RDM

DEFENDANTS' UNOPPOSED, JOINT MOTION TO
CONTINUE TRIAL AND RELATED DEADLINES

TO THE HONORABLE RANDOLPH D. MOSS, UNITED STATES DISTRICT
JUDGE FOR THE DISTRICT OF COLUMBIA:

PATRICK MONTGOMERY, BRADY KNOWLTON, and GARY WILSON, the
Defendants in the above styled and numbered cause, by and through their respective,
undersigned counsel, respectfully request this Court to continue the present trial date
of April 13, 2023 and the related deadlines. In support thereof, the Defendants would
show the following.

1. The Court scheduled the present trial date of April 13, 2023 at a scheduling conference on August 26, 2022. *See* Minute Entry of 8/26/2022. The Court also partially adopted the parties' Proposed Joint Scheduling Order with various deadlines governing pretrial proceedings. *See id.*; ECF Dkt. [112](#).¹ Defendants followed with a Motion to Extend the Deadline to File Motions and Notices, ECF Dkt. [118](#), that this Court granted. *See* Minute Order of 10/12/22. Relevant here, this Court

¹ To permit the Court to quickly and easily access other documents filed in ECF, Defendants are incorporating hyperlinks into this and future filings.

ordered that “any motions filed pursuant to Federal Rule of Criminal Procedure 12(b)(3) shall be filed on or before January 19, 2023.” *Id.*

2. As the Court is aware, the Government has continued to provide “global discovery” to the Defendants that include materials collected as part of their investigation into the events surrounding January 6 at the United States Capitol. As counsel for the Defendants have reviewed this material, certain evidence has been uncovered that they view as exculpatory. Additionally, counsel for Defendant have had to conduct their own independent investigation to obtain additional evidence that confirms this belief. In short, in addition to having to go through the “haystack” of evidence provided by the Government, counsel for the Defendants have had to work on digging through a separate “haystack” of evidence obtained from sources other than the Government.
3. This evidence is critical and necessary to ensuring the Defendants’ constitutional right to “a meaningful opportunity to present a complete defense” to the charges against them.” *Holmes v. South Carolina*, 547 U.S. 319, 324, 126 S. Ct. 1727, 164 L. Ed. 2d 503 (2006) (quoting *Crane v. Kentucky*, 476 U.S. 683, 690, 106 S.Ct. 2142, 90 L.Ed.2d 636 (1986)).
4. In addition to these discovery related concerns, counsel for Mr. Wilson and Mr. Montgomery are still relatively new to the case and need the additional time to review the discovery and prepare for trial. Counsel for Mr. Wilson also expects to be in trial in February and March in other trials in this District where his clients are detained.

5. Although Mr. Knowlton has previously expressed to the Court that he seeks to have a speedy trial and demands the same, *see, e.g.*, ECF Dkt. [103](#), [108](#), after further consideration and discussion — and in light of the recent discovery of exculpatory evidence — Mr. Knowlton has elected to waive his rights to a speedy trial and wishes for his attorneys to have an opportunity to further fully investigate this evidence and prepare for his defense. As for Mr. Montgomery and Mr. Wilson, both of them continue to waive their speedy trial rights and, along with Mr. Knowlton, maintain that the ends of justice served by a continuance outweigh the best interest of the public and the Defendants in a speedy trial.
6. Undersigned counsel for Mr. Knowlton conferred with counsel for the Government and they are not opposed to this motion.
7. Upon setting a new trial date, counsel for the Defendant and the Government would confer and submit a Joint Scheduling Order to the Court with the required pretrial deadlines for motions, notices, and other disclosures.

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully and jointly request this Court grant their motion, continue the trial in this matter, and extend the deadlines for pretrial filings.

Date: January 19, 2023

Respectfully Submitted,

LEVIN & ASSOCIATES, PLLC

by: /s/ Duncan Levin

DUNCAN LEVIN

Appearing pro hac vice

dlevin@levinpllc.com

44 Court Street, Suite 905

Brooklyn, New York 11201
212-330-7626

*Attorney for Defendant,
Patrick Montgomery*

RONALD SULLIVAN LAW, PLLC

by: /s/ Ronald S. Sullivan Jr.
RONALD S. SULLIVAN JR.
D.C.D.C. Bar ID 451518
rsullivan@ronaldsullivanlaw.com

1300 I Street NW
Suite 400 E
Washington, DC 2005
Telephone: (202) 935-4347
Fax: (617) 496-2277

MAYR LAW, P.C.

by: /s/ T. Brent Mayr
T. BRENT MAYR
D.C.D.C. Bar ID TX0206
bmayr@mayr-law.com

5300 Memorial Dr., Suite 750
Houston, TX 77007
Telephone: 713-808-9613
Fax: 713-808-9613

WAGNER PLLC

by: /s/ Camille Wagner
CAMILLE WAGNER
DC Bar No. 1695930
law@myattorneywagner.com

1629 K Street NW, Suite 300
Washington, DC 20006
202-630-8812

*Attorneys for Defendant,
Brady Knowlton*

PETER COOPER LAW

by: /s/ Peter A. Cooper
PETER A. COOPER
D.C.D.C. Bar ID 478082
pcooper@petercooperlaw.com

400 5th Street, NW
Suite 350
Washington, DC 20001
Telephone: (202) 400-1434
Fax: (202) 600-2822

*Attorney for Defendant,
Gary Wilson*

CERTIFICATE OF CONFERENCE

I certify that I conferred with Counsel for the Government, James Peterson, on January 19, 2023, and he confirmed that the Government is not opposed to this motion.

/s/ T. Brent Mayr
T. BRENT MAYR

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this motion was sent to Counsel for the Government, Karen Rochlin and James Peterson, on January 19, 2023, via CM/ECF and email.

/s/ T. Brent Mayr
T. BRENT MAYR