

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

UNITED STATES OF AMERICA

v.

ERIK HERRERA,

Defendant.

No. 21-CR-619-BAH

**UNITED STATES'S UNOPPOSED MOTION TO CONTINUE STATUS
HEARING AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America by and through its attorney, the United States Attorney for the District of Columbia, requests that the Court continue the preliminary hearing in this matter until January 2020, and that the Court exclude the time until the next hearing date from the calculations under the Speedy Trial Act. 18 U.S.C. § 3161. The defendant does not oppose this motion. In support of this request, the government notes the following:

1. The parties were last before the Court for an initial status hearing on October 15, 2021. At that time, the Court arraigned the defendant and set the case for a further status hearing on November 19, 2021. (Dkt. 10/15/21 Minute Entry.) The Court ordered that the time from October 15 through November 19 should be excluded from time calculations under the Speedy Trial Act in the interests of justice. (Dkt. 10/15/21 Minute Entry.)
2. The government has extended a plea offer to the defendant that would resolve this matter short of trial. Counsel for the defendant has advised the government that the defense would like additional time to consider the proposed resolution. The parties believe that a

continuance of the preliminary hearing until January 2022, will allow the parties time to continue their discussions.

3. The parties also ask that the Court exclude time under the Speedy Trial Act in order to allow these discussions to continue because “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).

WHEREFORE, the government requests—with no objection from the defense—that the Court continue the status hearing in this matter until January 2022, and that the Court exclude time between November 19 and the hearing date from calculations under the Speedy Trial Act. A proposed order is attached.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney

By:

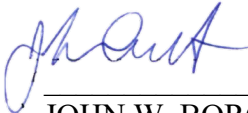


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November 18, 2021

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November 2021, I caused a copy of the foregoing to be served on counsel for the defendant, Jonathan Ogata.



JOHN W. BORCHERT
Assistant United States Attorney

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[PROPOSED] ORDER

This matter comes before the Court on the government's Unopposed Motion to Continue Preliminary Hearing. The Court finds that there is good cause for the requested continuance and that the exclusion of time from calculations under the Speedy Trial Act would serve the ends of justice by allowing the parties to discuss a resolution of this matter that would obviate the need for trial in this matter. *Cf.* Fed. R. Crim. P. 5.1(d); 18 U.S.C. § 3161(h)(7)(A).

IT IS THEREFORE ORDERED that the status hearing in this matter shall be continued until January __, 2022; and it is further

ORDERED that the time between November 18, 2021, and the preliminary hearing on January __, 2022, shall be excluded from the time within which an indictment must be filed and the time within which trial in this matter must commence.

BERYL A. HOWELL
Chief Judge

cc: JOHN W. BORCHERT
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