

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

UNITED STATES OF AMERICA :
 : **CRIMINAL NO. 1:21-cr-00599-RBW**
 v. :
 :
 DONNIE DUANE WREN, and :
 THOMAS HARLEN SMITH, :
 :
 Defendants. :

JOINT MOTION TO CONTINUE

The United States of America, by and through its undersigned counsel, and joined by the defendant, request that the status conference currently scheduled for January 5, 2022 be continued for approximately 60 days, and time be excluded under the Speedy Trial Act, 18 U.S.C. § 3161. In support of this request, the parties submit as follows:

1. On September 24, 2021, the defendants were charged by Indictment with various offenses arising out of conduct on January 6, 2021. *See* ECF No. 1.
2. On October 12, 2021, the defendants appeared before the magistrate judge, were arraigned on the charges in the Indictment, and entered pleas of not guilty. The defendants were placed on pre-trial release and ordered to abide by standard conditions. The defendants remain on pretrial release. *See* ECF Nos. 10, 11.
3. On November 1, 2021, the defendants appeared before this Court. Both parties requested an exclusion of time until January 5, 2022 for the government to provide discovery, for the defense to review discovery, and to discuss a potential resolution of this matter. The Court granted this request.
4. Since November 1, 2022, the government has provided both case-specific and global discovery to defense counsel. The case-specific discovery includes the bulk of the FBI case

file for each defendant here. The global discovery includes, among other items thousands of hours of U.S. Capitol Police surveillance video and Metropolitan Police Department (MPD) body-worn camera footage, U.S. Secret Service exterior camera footage, body-worn camera footage from Fairfax County and Montgomery County police officers, 30 hours of MPD radio transmissions, U.S. Capitol Police after-action reports, and more than a hundred FBI interview of law enforcement officers about their experiences on January 6, aerial surveillance footages of the Capitol. The government has also produced documents aimed at facilitating a review of this global discovery, such as camera maps of the Capitol and the Capitol Visitor's Center, a transcript of the MPD radio transmissions, and spreadsheets to help track various videos and the locations of officers who recorded them.

5. Accordingly, the parties now jointly move this Court to continue the status conference, currently scheduled for January 5, 2022, to a time on or after March 7, 2022, a period of approximately 60 days. Such a continuance will allow the parties to continue discussions regarding a possible resolution of this matter short of trial.

6. The parties also request that time be excluded from calculation, pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, until the date of the continued status conference in this matter. The parties submit that a continuance of approximately 60 days is warranted and that an order excluding time would best serve the interests and ends of justice and outweigh the interests of the public and defendant in a speedy trial pursuant to the factors described in 18 U.S.C. §3161(h)(7)(A), (B)(i), (ii), and (iv).

WHEREFORE, the parties request that this Court continue the Status Conference currently scheduled for January 6, 2022, to a date on or after March 7, 2022, a period of approximately 60 days. The parties further request that the Court toll time under the Speedy Trial Act until the new hearing date.

Respectfully submitted,

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