

**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 status hearing in this matter until March 2022, 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 appeared 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. On November 18, 2021, the Court granted the government's unopposed motion to continue the November 19 status hearing until January 21, 2022, and ordered that the time between November 19, 2021, and January 21, 2022, would be excluded from time calculations under the Speedy Trial Act in the interests of justice. (Dkt. 11/18/21 Minute Entry.)

3. 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 and to review discovery. The parties believe that a continuance of the preliminary hearing until March 2022, will allow the parties time to continue their discussions.

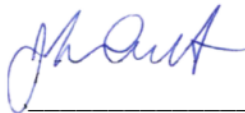
4. The parties also ask that the Court exclude time under the Speedy Trial Act in order to allow these discussions to continue because “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).

WHEREFORE, the government requests—with no objection from the defense—that the Court continue the status hearing in this matter until March 2022, and that the Court exclude time between January 21, 2022, and the next hearing date from calculations under the Speedy Trial Act. A proposed order is attached.

Respectfully submitted,

MATTHEW M. GRAVES  
United States Attorney

By:



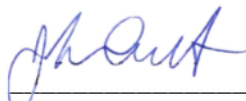
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January 20, 2022

CERTIFICATE OF SERVICE

I hereby certify that on this 20<sup>th</sup> day of January 2022, I caused a copy of the foregoing to be served on counsel for the defendant, Jonathan Ogata.



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JOHN W. BORCHERT  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ERIK HERRERA,

Defendant.

No. 21-CR-619-BAH

**[PROPOSED] ORDER**

This matter comes before the Court on the government's Unopposed Motion to Continue the Status Hearing and to Exclude Time Under the Speedy Trial Act. 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 March \_\_\_ 2022; and it is further

ORDERED that the time between January 21, 2022, and the status hearing on March \_\_, 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.

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BERYL A. HOWELL  
Chief Judge

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