

**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 April 1, 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. On January 20, 2022, the Court granted the government's unopposed motion to continue the January 21 status hearing until March 4, 2022, and ordered that the time between January 21 and March 4 would be excluded from time calculations under the Speedy Trial Act in the interests of justice. (Dkt. 1/20/22 Minute Entry.)

4. 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 April 1, 2022, will allow the parties time to continue their discussions.


5. 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 April 1, 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,

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March 2, 2022

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March 2022, I caused a copy of the foregoing to be served on counsel for the defendant, Jonathan Ogata.



JOHN W. BORCHERT
Assistant United States Attorney