

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

UNITED STATES OF AMERICA	:	
	:	No.: 21-cr-508-BAH
	:	
v.	:	
	:	
LUKE WESSLEY BENDER,	:	
<i>Defendant.</i>	:	

**DEFENDANT’S UNOPPOSED MOTION TO CONTINUE STATUS HEARING**

Defendant Luke Wessley Bender, through his undersigned counsel, files the present motion seeking a continuance of the status hearing that is currently scheduled for March 11, 2022, and states as follows:

1. On August 4, 2021, the Defendant was charged by Indictment with six offenses relating to the events that occurred on January 6, 2021 at the United States Capitol. A status hearing is set in this matter for March 11, 2022, and in advance of that hearing, the parties are required to submit to the Court a proposed pretrial schedule.
2. On February 17, 2022, undersigned counsel was retained as counsel for the Defendant and immediately conferred with the Defendant’s prior Criminal Justice Act counsel as to the extent of discovery produced by the Government.
3. On February 18, 2022, undersigned counsel filed his notice of appearance with the Court and immediately conferred with the assigned Government counsel to acknowledge his adherence to the terms of the Court’s Protective Order governing discovery in this matter and to request access to all electronic productions of discovery that pertain to this case.

4. Undersigned counsel needs approximately sixty (60) days to review discovery, confer with the Defendant, and to confer with the Government after completing his review of discovery. Accordingly, the Defendant requests a continuance of the March 11, 2022 status hearing (including the deadline for a proposed briefing schedule).

5. The Defendant understands that he has a right to a speedy trial and agrees to the exclusion of time under the Speedy Trial Act from March 11, 2022 until another status hearing date is set in this matter. The opportunity for new counsel to review discovery and confer with the Government regarding discovery serves the ends of justice and outweighs the best interest of the public and the Defendant in a speedy trial.

6. Undersigned counsel conferred with Government counsel, Jordan A. Konig, Esq., who represented that the Government does not oppose the requested continuance or the exclusion of time under the Speedy Trial Act.

7. The parties also conferred and they are available for a subsequent status hearing in this matter on May 20, 2022 or June 3, 2022, if this Court prefers to have the next status hearing on a Friday.

8. The Defendant understands that he has a right to an in-person status hearing, but would agree to proceeding remotely if the Court would prefer to proceed remotely. The Defendant and his counsel are also available to appear in-person.

9. For the aforementioned reasons, the Defendant respectfully requests that his motion for a continuance be granted and that the Court find that all time from March 11, 2022, until the next hearing in this matter, shall be excluded from the calculation of time pursuant to the Speedy Trial Act under 18 U.S.C. § 3161(h)(7)(A) because the ends of justice served by the continuance

outweigh the best interest of the public and the Defendant in a speedy trial. An appropriate proposed Order granting the requested relief accompanies this Motion.

Dated: February 23, 2022

Respectfully submitted,

**SILVERMAN|THOMPSON|SLUTKIN|WHITE, LLC**

/s/ Christopher Macchiaroli

Christopher Macchiaroli (D.C. Bar No. 491825)

1750 K Street, NW, Suite 810

Washington, D.C. 20006

Telephone: (202) 539-2444

Facsimile: (410) 547-2432

Email: [cmacchiaroli@silvermanthompson.com](mailto:cmacchiaroli@silvermanthompson.com)

*Counsel for Defendant Luke Wessley Bender*