

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

UNITED STATES OF AMERICA	:	
	:	Case No. 1:21-cr-00657 (BAH)
v.	:	
	:	
CODY MATTICE and	:	
JAMES PHILLIP MAULT,	:	
	:	
Defendants.	:	

**CONSENT MOTION TO CONTINUE HEARING
AND EXTEND RESPONSE DEADLINE**

The Government respectfully moves the Court to (1) extend by two weeks its deadline to comply with the Court’s April 4, 2022 order regarding video evidence as to defendant James Phillip Mault; (2) continue the hearings in the matters of defendants James Phillip Mault and Cody Mattice now scheduled for 10:30 a.m. on April 8, 2022 until the afternoon of April 22, 2022; and (3) exclude from the calculation of the Speedy Trial Act for both defendants the time between April 8, 2022 and April 22, 2022 in the interests of justice.

For reasons known to the Court, Tom Abbenante, counsel for defendant Cody Mattice is unable to attend the status hearing currently scheduled for April 5, 2022. Attorney Christopher Davis, who was asked to assist Mr. Abbenante, also is unavailable on April 5, 2022. To the extent that Mr. Davis is retained to represent Mr. Mattice in this matter, he requires time to review the discovery previously provided by the Government and to confer with Mr. Mattice regarding the United States’ pending plea offer. Should Mr. Mattice choose to enter a guilty plea, it would promote judicial economy to proceed with Rule 11 hearings for both defendants at the same time.

Moreover, Trial Attorney Michael Romano, who serves as lead counsel for the United States in this action, begins trial tomorrow in the case of *United States v. Martin*, No. 1:21-cr-394 (TNM). As lead counsel in this matter and the individual with the best understanding of the

evidence relied upon by the Government, Mr. Romano is uniquely able to fully and accurately comply with the Court's April 4, 2022 order regarding video evidence in the matter of defendant Mault. Mr. Romano will be unable to assist compliance with the Court's order by the April 5, 2022 deadline set therein. The United States therefore requests an extension of two weeks, until April 19, 2022, for compliance with that Order. Mr. Romano also is unavailable for the scheduled hearings on April 8, 2022.

The United States also requests 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. A continuance is warranted and 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).

Richard Stern, counsel for defendant Mault, and Christopher Davis, who has agreed to assist defendant Mattice, consent to the relief sought in this motion.

WHEREFORE, the parties request that this Court extend the deadline for compliance with its April 4, 2022 order until April 19, 2022; to continue the hearings currently scheduled for April 8, 2022, to April 22, 2022; and to toll time under the Speedy Trial Act until the new hearing date.

Respectfully submitted,

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/s/ Jordan A. Konig
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