

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 1:21-cr-605 (RC)
	:	
ISAAC WESTBURY,	:	
AARON JAMES, and	:	
ROBERT WESTBURY,	:	
	:	
Defendants.	:	

JOINT MOTION TO CONTINUE

The United States of America, by and through its undersigned counsel, and joined by defendants Isaac Westbury, Aaron James, and Robert Westbury (“the defendants”), requests that the status conference currently scheduled for March 31, 2022, be continued until May 18, 2022 at 1:00 p.m., and that 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 29, 2021, the defendants were charged by Indictment with various offenses arising out of their alleged conduct on January 6, 2021. *See* ECF No. 1.
2. On October 4, 2021, the defendants were arrested in Lindstrom, Minnesota and released on certain pretrial conditions. *See* ECF Entry, 10/4/2021; ECF Nos. 8-9 & 12.
3. On October 12, 2021, the defendants appeared before United States Magistrate Judge G. Michael Harvey. *See* ECF Entry, 10/12/2021. The Government requested an exclusion of time under the Speedy Trial Act until October 29, 2021 for reasons set forth in open court. The Court granted this request and excluded time from October 12, 2021 until October 29, 2021 in the interest of justice. *Id.*
4. On October 29, 2021, the defendants appeared before the Court. *See* ECF Entry, 10/29/2021. The parties requested a 90 day continuance and an exclusion of time under the Speedy

Trial Act 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 and excluded time from October 29, 2021 until January 31, 2022 in the interest of justice. *Id.*

5. The Government then filed an unopposed Motion for Rule 44 Inquiry as to the defendants, which the Court granted on January 27, 2022. *See* ECF Nos. 34, 37. The Court has appointed as Conflict Attorney Barry Coburn, who has been directed to complete his investigation regarding defendants Isaac Westbury, Aaron James, and Robert Westbury in this action, and defendant Jonah Westbury in the related action of *United States v. Jonah Westbury*, Case No. 1:21-CR-371 (RC), and prepare a report and recommendation on or before April 29, 2022. *See* ECF Nos. 37, 45; ECF Entry, 2/24/2022.

6. On January 31, 2022, the defendants appeared before the Court. *See* ECF Entry, 1/31/2022. The parties requested a 60 day continuance and an exclusion of time under the Speedy Trial Act 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 and excluded time from January 31, 2022 until March 31, 2022 in the interest of justice. *Id.*

7. The Government filed an unopposed motion for joinder in this action and *United States v. Jonah Westbury* on February 16, 2022. *See* ECF No. 43. That motion remains pending in both cases.

8. On February 16, 2022, the Court conducted a status conference in the matter of *United States v. Jonah Westbury*, No. 1:21-CR-371, ECF Entry, 2/16/2022. In order that the Conflict Attorney have time to complete his report and recommendation and in light of continuing discovery disclosures by the Government, the parties requested a 75 day continuance and an exclusion of time under the Speedy Trial Act. *Id.* The Court granted this request and excluded

time from February 16, 2022 until May 18, 2022 at 1:00 p.m. *Id.* In response to the Government's oral motion to continue this related action, the Court stated that the parties should seek a continuance and exclusion of time under the Speedy Trial Act by written motion.

9. The Government has provided both case-specific and global discovery to Defense Counsel and continues to endeavor to provide additional discovery. Counsel for defendants needs additional time to continue reviewing discovery. A continuance also is appropriate so Mr. Coburn may complete his investigation and report and recommendation.

10. Accordingly, the parties now jointly move this Court to continue the status conference, currently scheduled for March 31, 2022, to May 18, 2022. Such a continuance will permit Mr. Coburn to complete his investigation and allow Defense Counsel additional time to review discovery.

11. 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 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 March 31, 2022, to May 18, 2022. 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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