

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-mj-00638
	:	
JOSHUA JOHN PORTLOCK,	:	
	:	
Defendant.	:	

**CONSENT MOTION TO CONTINUE AND
TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America hereby moves this Court for a 60-day continuance of the above-captioned proceeding, and further to exclude the time within which the defendant must be indicted under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial. In support of its motion, the government states as follows:

1. Defendant was arrested on November 3, 2021, based on crimes that occurred at the United States Capitol on January 6, 2021. In brief, on that date, as a Joint Session of the United States House of Representatives and the United States Senate convened to certify the vote of the Electoral College of the 2020 U.S. Presidential Election, members of a large crowd that had gathered outside forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts. Scores of individuals entered the U.S. Capitol without authority to be there. As a result, the Joint Session and the entire official proceeding of the Congress was halted until the Capitol Police, the Metropolitan Police Department, and other law enforcement agencies from the city and surrounding region were able to clear the Capitol of hundreds of unlawful occupants and ensure the safety of elected officials.

2. As set forth in the Complaint (ECF No. 1), the defendant in this case stands accused of assaulting, resisting or impeding law enforcement officers under 18 U.S.C. § 111(a)(1); obstruction of law enforcement during a civil disturbance under 18 U.S.C. § 231(a)(3); entering or remaining in a restricted building or grounds under 18 U.S.C. § 1752(a)(1); disorderly and disruptive conduct in a restricted building or grounds under 18 U.S.C. § 1752(a)(2); engaging in physical violence in a restricted building or grounds under 18 U.S.C. § 1752(a)(4); and disorderly conduct under 40 U.S.C. § 5104(e)(2)(D); and an act of physical violence in the capitol grounds under 40 U.S.C. § 5104(e)(2)(F).

3. As described in the Complaint, on January 6, 2021, Defendant entered the Capitol grounds and (i) pushed and removed metal barriers supporting a defensive perimeter established by law enforcement officers, (ii) used a large piece of what appears to be plywood to push through law enforcement officers at a second defense perimeter, and (iii) participated in attempts to push past law enforcement officers guarding the Lower West Terrace entrance to the Capitol. *Id.*

4. Defendant first appeared before this Court on November 9, 2021. This Court set a Preliminary Hearing for January 13, 2022, and excluded the intervening time from the Speedy Trial Act.

5. The government had scheduled this matter for proceedings before the Grand Jury on January 5, 2022; however, those proceedings were cancelled due to inclement weather.

6. On January 5, 2022, the government consulted with defense counsel. Based on a request from defense counsel, the government now seeks an extension of the time to indict under the Speedy Trial Act. The government believes it is in the interest of justice to toll

the Speedy Trial Act while the parties work toward a disposition of this matter. A 60-day continuance will allow defense counsel an opportunity to review preliminary discovery and provide Defendant time to consider a plea offer. Accordingly, the government requests a tolling of the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), based on the factors described in 18 U.S.C. 3161(h)(7)(B)(i), (ii), and (iv), as well as 18 U.S.C. § 3161(h)(1)(G).

7. Defendant is out of custody.

8. As noted above, the government consulted with defense counsel regarding this motion, and defense counsel advised that Defendant consents to the motion.

Respectfully submitted,

MATTEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar Number 481052

By: /s/ Benjamin Kringer
Benjamin E. Kringer
Detailed to the U.S. Attorney's Office
for the District of Columbia
DC Bar No. 482852
555 Fourth Street, N.W.
Washington, DC 20530
benjamin.kringer2@usdoj.gov
(202) 598-0687