

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

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| UNITED STATES OF AMERICA | : | |
| | : | |
| v. | : | CASE NO. 22-cr-67 (CJN) |
| | : | |
| JOSHUA JOHN PORTLOCK, | : | |
| | : | |
| Defendant. | : | |

**JOINT MOTION TO CONTINUE STATUS HEARING
AND TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT**

The United States of America, by and through the United States Attorney for the District of Columbia, and the Defendant, through counsel Edward Smock, respectfully moves this Court to continue the status hearing currently scheduled for September 29, 2022 for approximately 60 days until on or about November 29, 2022, and to exclude time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) from September 29, 2022 until the date of the next status hearing in this case. In support whereof, the government states as follows:

1. The defendant was charged by criminal complaint on October 28, 2021, on charges of Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1); Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(4), Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and Acts of Physical Violence in the Capitol Grounds or Buildings, in violation of 40 U.S.C. § 5104(e)(2)(F). The defendant was arrested in Smyrna, Tennessee on November 3, 2021, and he made his initial appearance in this district on November 9, 2021.

2. The government has produced a substantial volume of defendant-specific discovery, including significant amounts of video footage, and the parties engaged in preliminary discussions regarding possible resolutions of the case short of trial; however, these negotiations occurred with prior defense counsel. As a result of those discussions, on February 9, 2022, the government provided a plea offer to the defendant, which the defendant, thorough prior counsel, rejected.

3. On March 4, 2022, the defendant was indicted on charges of Civil Disorder, in violation of 18 U.S.C. § 231 (a)(3); Assaulting, Resisting or Impeding Certain Officers, in violation of 18 USC § 111(a)(1); Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, in violation of 18 U.S.C. § 1752(a)(2); Entering and Remaining in a Restricted Building or Grounds, in violation of §18 U.S.C. § 1752(a)(2); Disorderly and Disruptive Conduct on Capitol Grounds, in violation of 40 U.S.C. § 18 U.S.C. § 1752(a)(4); and Engaging in Acts of Physical Violence in the Capitol Grounds or Buildings, in violation of 40 U.S.C. § 5104(e)(2)(F).

4. Current defense counsel, Edward Smock, substituted as lead counsel in the case on June 22, 2020. Undersigned government counsel entered her appearance in the case on July 27, 2020. The defendant continues to review Global Discovery provided by the government, and parties are engaging in plea negotiations.

5. The parties respectfully request a continuance of approximately 60 days, until on or about November 29, 2022 to facilitate the ongoing discovery process, permit new defense counsel to familiarize himself with the case and meet with Mr. Portlock, and permit the parties to continue to their plea discussions.

6. The parties further move, pursuant to 18 U.S.C. § 3161(h)(7)(A), to exclude time under the Speedy Trial Act in the interests of justice from September 29, 2022 until the date of the next status hearing in this case, to be determined by the Court. This additional period is necessary to allow the defendant to fully review the discovery in the case, and to allow the parties to engage in discussions regarding possible resolutions of the case. Therefore, the parties respectfully submit that the ends of justice served by such exclusion would outweigh the best interest of the public and the defendant in a speedy trial.

7. Counsel for the government has conferred with defense counsel regarding this motion. The defendant does not oppose the motion to continue the status hearing or to exclude time under the Speedy Trial Act.

WHEREFORE, the parties respectfully move that the status hearing in this case currently scheduled for September 29, 2022 be continued for approximately 60 days until on or about September 29, 2022, and that the time from November 29, 2022 until the date of the next status hearing in this case be excluded from computation under the Speedy Trial Act.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of September, 2022, I filed electronically the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following counsel of record:

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