

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : CASE NO. 1:22-MJ-00104
: :
: (JUDGE MERIWEATHER)
v. : :
: :
: :
LYNWOOD NESTER, : :
: :
Defendant : :

MOTION TO CONTINUE INITIAL APPEARANCE

AND NOW, this 23rd day of May 2022, comes the Defendant Lynwood Nester, by and through his attorney Jonathan W. Crisp, Esquire, and hereby requests this Honorable Court grant his Motion to Continue Initial Appearance. In support of said motion, the following is averred:

1. The Defendant was indicted on 20 May 2022, and charged with the following:
 - a) Count 1: Disorderly Conduct in a Capitol Building;¹
 - b) Count 1: Parading, Demonstrating, or Picketing in a Capitol Building;²
2. On 20 May 2022, Attorney Jonathan Crisp, Esq. entered his appearance this matter.
3. The initial appearance is currently scheduled for 26 May 2022.
4. Undersigned counsel is unable to attend the hearing as he is currently trying *US v Hale Cusanelli*.

¹ 40 USC § 5104(e)(2)(D)

² 40 USC § 5104(e)(2)(G)

5. Therefore, undersigned counsel respectfully requests a continuance of seventeen (17) calendar days. The requested deadline would be 9 June 2022.
6. Assistant United States Attorney Benjamin Kringer, Esquire, concurs with the instant motion.
7. Undersigned counsel respectfully requests that this Honorable Court toll the Speedy Trial Act as well.
8. Under the Speedy Trial Act, delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing, or other prompt disposition of such motion, shall be excluded in computing the time within which trial must be commenced. See 18 U.S.C. § 3161(h)(1)(D).

WHEREFORE, it is respectfully requested that the Court grant the Defendants' motion to continue the initial appearance in this case. In accordance with Local Rule LCvR 16.1(b), notice has been given to all other parties in this matter. In accordance with Local Rule LCvR 7(a), no brief is being submitted in support of this motion because it is a motion for continuance initial appearance with the reasons for the motion fully set forth.

Respectfully submitted,
CRISP AND ASSOCIATES, LLC

Date: 24 May 2022

/s/Jonathan W. Crisp
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CERTIFICATE OF CONCURRENCE

I, Jonathan W. Crisp, Counsel for Defendant, Lynwood Nester, hereby certify that Assistant United States Attorney, Benjamin Kringer, Esquire, has no objections to the foregoing Motion.

Date: 24 May 2022

/s/ Jonathan W. Crisp
Jonathan W. Crisp, Esquire

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on the individual listed below:

ELECTRONIC SERVICE

Benjamin Kringer, Esquire
Assistant United States Attorney
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Date: 24 May 2022

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