

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : Case No. 1:22-cr-34-RBW
 :
 AIDEN HENRY BILYARD, :
 :
 Defendant. :

**MOTION TO TOLL AND
TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America respectfully moves the Court to toll the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

In support of the Motion, the Government states as follows:

1. On November 23, 2021, Aiden Henry Bilyard (“Bilyard”) was arrested and made his initial appearance in the Eastern District of North Carolina. *See* ECF Entry, 11/23/2021.
2. Bilyard then appeared via videoconference before United States Magistrate Judge Robin M. Meriweather on November 30, 2021. *See id.*, 11/30/2021.
3. At that hearing, the Court granted the Government’s unopposed oral motion for a waiver of the provisions of the Speedy Trial Act, finding that the ends of justice justified excluding a period of 60 days of time, between November 30, 2021 and January 27, 2022. *Id.*
4. The Court also scheduled a preliminary hearing to occur before Judge G. Michael Harvey on January 27, 2022. *Id.*
5. On January 26, 2022, a grand jury issued a nine-count indictment against Bilyard,

and the case was assigned to Senior United States District Judge Reggie B. Walton. *See* ECF Entry No. 17.

6. As no pending matters required action by Judge Harvey, the Court vacated the hearing scheduled for January 27, 2022, and directed the parties to address any requests to toll the Speedy Trial Act to the assigned District Judge. *See* ECF Entry, 1/26/2022.

7. The parties intend to contact the Court to schedule a status hearing and arraignment for Bilyard. At that time, the parties anticipate requesting a further continuance of 60 days so that the United States may produce additional discovery to Bilyard and discuss the possibility of an agreed resolution of this case through a guilty plea.

8. The United States submits the time between January 27, 2022, and April 1, 2022, should be tolled in accordance with the Speedy Trial Act because the ends of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial.

9. Counsel for the United States attempted to confer via telephone and email on January 26, 2022 with counsel for Bilyard to determine whether the defendant opposes the relief requested in this motion. However, as of the filing of this motion, the parties have not been able to confer.

WHEREFORE, the government respectfully requests that this Court exclude the time from January 27, 2022 through April 1, 2022 from calculation under the Speedy Trial Act, 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 pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all parties listed on the Electronic Case Filing (ECF) System.

By: /s/ Jordan A. Konig
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