

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

UNITED STATES OF AMERICA	:	CASE NO. 1:22-cr-00183-TSC
	:	
v.	:	(JUDGE CHUTKAN)
	:	
BRIAN KORTE,	:	
LYNWOOD NESTER,	:	
and MICHAEL POMEROY	:	
Defendants	:	

MOTION TO CONTINUE STATUS CONFERENCE

AND NOW, this 2nd day of November 2022, comes the Defendants Lynwood Nester and Michael Pomeroy, by and through their attorney Jonathan W. Crisp, Esquire, and hereby requests this Honorable Court grant their Motion to Continue the Status Conference currently set for 7 November 2022 at 2:00 PM to 9 November 2022 at 9:00 AM or 10 November 2022 at 9:00 AM. In support of said motion, the following is averred:

1. The Defendants were 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 Status Conference is currently scheduled for 7 November 2022 at 2:00 p.m.

¹ 40 USC § 5104(e)(2)(D)

² 40 USC § 5104(e)(2)(G)

4. On 26 September 2022, trial in the case of United States v. Elmer Stewart Rhodes, et. al., docket number 1:22-cr-00015-APM began. The case was set to continue until on or about 28 October 2022. On or about Friday, 21 October 2022, the Honorable Amit Mehta informed the parties trial would continue through the week of 7 November and likely into the week of 14 November 2022.
5. Accordingly, undersigned counsel will not be available for the hearing on the currently scheduled date.
6. Undersigned counsel is available for a Status Conference on Monday, 7 November, and also Wednesday-Friday, 9-11 November beginning at 9:00 AM court for United States v. Elmer Stewart Rhodes, et. al., does not convene until 9:30 a.m.
7. Undersigned counsel would seek to appear in person for the Status Conference because undersigned counsel will already be in the courthouse.
8. Undersigned counsel has contacted Attorney Amato, who represents Defendant Korte and AUSA Brian Morgan. Both counsel have indicated they are available on 9 and 10 November at 9:00 a.m. and do not object to the change in time.
9. Undersigned counsel respectfully requests that this Honorable Court toll the Speedy Trial Act as well.
10. 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 Status Conference 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: 2 November 2022

/s/Jonathan W. Crisp
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CERTIFICATE OF CONCURRENCE

I, Jonathan W. Crisp, Counsel for Defendants, Lynwood Nester and Michael Pomeroy, hereby certify that Assistant United States Attorney, Brian Morgan, Esquire, and counsel of record for Defendant Brian Korte, Elita C. Amato, Esquire, have no objections to and concur in the foregoing Motion.

Date: 2 November 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

Brian Morgan, Esquire
Assistant United States Attorney
Human Rights & Special Prosecutions
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brian.morgan@usdoj.gov

Date: 2 November 2022

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