

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

UNITED STATES OF AMERICA : **CASE NO. 1:22-cr-00183-TSC**
:
: **(JUDGE CHUTKAN)**
v. :
:
:
LYNWOOD NESTER, :
:
Defendant. :

MOTION FOR VIRTUAL STATUS CONFERENCE

AND NOW, comes the Defendant, Lynnwood Nester, by and through their attorney, Jonathan W. Crisp, Esquire, hereby requests this Honorable Court grant his Motion for a Virtual Status Conference. 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 2: Parading, Demonstrating, or Picketing in a Capitol Building;²
2. On 20 May 2022, Attorney Jonathan Crisp, Esq. entered his appearance for this matter.
3. The Status Conference is currently scheduled for 13 February 2023 at 11:30 a.m.
4. Undersigned counsel is scheduled to be flying to Naval Base San Diego for a Court Martial on 13 February 2023, flying out of Harrisburg International

¹ 40 USC § 5104(e)(2)(D)

² 40 USC § 5104(e)(2)(G)

Airport. In order to make his flights, undersigned counsel would request that he be allowed to appear virtually as the airport he is flying out of is two hours from the Courthouse.

5. Therefore, undersigned counsel is respectfully requesting that the Status Conference be held virtually.
6. Undersigned counsel has contacted Attorney Amato counsel for Defendant Brian Korte, who concurs with the instant motion. As indicated in recent email correspondence, Attorney Amato is undecided on whether or not they will be requesting for the hearing for their client to be held virtually.
7. Undersigned counsel has also contacted AUSA Brian Morgan who concurs with instant motion.
8. Undersigned counsel respectfully requests that this Honorable Court toll the Speedy Trial Act as well.
9. 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 for Virtual Plea Agreement Hearing 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 February 2023

/s/Jonathan W. Crisp
Jonathan W. Crisp, Esquire
4031 North Front St.
Harrisburg, PA 17110
I.D. # 83505
(717) 412-4676
jcrisp@crisplegal.com

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 February 2023

/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
1301 New York Avenue NW
Washington, DC 20530
brian.morgan@usdoj.gov

Date: 2 February 2023

/s/ Jonathan W. Crisp
Jonathan W. Crisp, Esquire
4031 North Front St.
Harrisburg, PA 17110
I.D. # 83505
(717) 412-4676
jcrisp@crisplegal.com
Attorney for Defendant