

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

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

**MOTION TO CONTINUE TRIAL TO PERMIT A CHANGE IN PLEA**

AND NOW, this 16<sup>h</sup> day of October 2023, 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 Trial which is currently set for 17 October 2023 in order to permit undersigned counsel to effect a change in plea from Not Guilty to Nolo Contendere. 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: Entering and Remaining in a Restricted Building;<sup>1</sup>
  - b) Count 2: Disorderly and Disruptive Conduct in a Restricted Building;<sup>2</sup>
  - c) Count 3: Violent Entry and Disorderly Conduct in a Capitol Building;<sup>3</sup>
  - d) Count 4: Parading, Demonstrating, or Picketing in a Capitol Building;<sup>4</sup>
  
2. On 20 May 2022, Attorney Jonathan Crisp, Esq. entered his appearance in this matter.

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<sup>1</sup> 18 USC § 1752(a)(1)

<sup>2</sup> 18 USC § 1752(a)(2)

<sup>3</sup> 40 USC § 5104(e)(2)(D)

<sup>4</sup> 40 USC § 5104(e)(2)(G)

3. Trial is currently scheduled to begin on 17 October 2023 at 9:30 AM.
4. On 15 October 2023, undersigned counsel notified Government Counsel and Judge's Chambers of Defendant's intent to enter a Guilty Plea to the Information via email. On 16 October, undersigned counsel clarified that the Defendant intended to enter a Nolo Contendere plea consistent with Federal Rule of Criminal Procedure 11(a)(3) to all counts of the information.
5. Government Counsel has notified undersigned counsel of their intent to object to entry of a Nolo Contendere plea. Undersigned counsel is prepared to argue such a plea is in the public interest in the effective administration of justice under Federal Rule of Criminal Procedure 11(a)(3).
6. Undersigned counsel has conferred with Government Counsel regarding dates of availability for a change of plea hearing. Government Counsel concurs with a date of 18 October 2024 at 4:00 PM EST.
7. Therefore, undersigned counsel is respectfully requesting a continuance to 18 October 2023 at 4:00 PM to permit undersigned counsel to effect a change in plea from Not Guilty to Nolo Contendere.
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 Defendant's Motion to Continue to Permit a Change in Plea. 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 with the reasons for the motion fully set forth.

Respectfully submitted,  
CRISP AND ASSOCIATES, LLC

Date: 16 October 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](mailto:jcrisp@crisplegal.com)

**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](mailto:brian.morgan@usdoj.gov)

Date: 16 October 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](mailto:jcrisp@crisplegal.com)  
Attorney for Defendant