

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

UNITED STATES OF AMERICA	:	Case No. 22-CR-00125 (JMC)
	:	
v.	:	
	:	
ERIC GERWATOWSKI,	:	
	:	
Defendant.	:	

**JOINT MOTION TO CONTINUE AND
TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The parties are currently scheduled for a status hearing on August 16, 2022. The United States of America and counsel for the defendant, Eric Gerwatowski, hereby move this Court for an approximately 60-day continuance of that hearing and to exclude the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*. In support of this joint motion, the undersigned states as follows:

1. Defendant was charged by complaint for violations related to his actions on February 2, 2022. He was arrested on February 8, 2022. He was subsequently indicted on April 13, 2022, for felony charges of civil disorder in violation of 18 U.S.C. § 231(a)(3) as well as charges related to entering and remaining in a restricted building or grounds and disorderly conduct therein. Defendant is not in custody.

2. Both case specific and global discovery (17 volumes) recently has been provided to Defendant, which has included filesharing of documents produced to Relativity. The 17th Volume was produced last week. It expects more discovery to be produced in the future. The production to Relativity included numerous audio files and other records of the U.S. Capitol Police, tens of thousands of tips and related documentation made to the Metropolitan Police Department

tipline, and FBI reports of interviews, among other materials. Defense counsel continues to review discovery and further investigate this matter.

3. Additionally, the parties continue to discuss a pretrial resolution of this matter. The Government provided the Defendant with a plea offer last week. Defense counsel and Defendant need time to consider the offer and review the materials before responding.

4. Given defense counsel's interest in reviewing the voluminous discovery materials and the Government's pretrial offer, the parties seek an additional continuance of approximately 60 days or another date thereafter at the Court's convenience. The additional time will afford defense counsel time to review and investigate any matters as needed prior to responding to the Government's pretrial offer and the parties time to discuss any possible pre-trial resolution of this matter. If a pretrial resolution is not found, the parties anticipate filing motions with this Court related to substance of the matter.

5. Furthermore, the parties anticipate that, if the Court grant this continuance, they will be better positioned to request from the Court at the next status conference a trial date and schedule for corresponding pretrial motions.

WHEREFORE, the parties respectfully request that this Court grant the motion for an approximately 60-day continuance of the above-captioned proceeding, and that the Court exclude 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 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), and failure to grant such a continuance would result in a miscarriage of justice.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar Number 481052

By: /s/ Joseph H. Huynh
JOSEPH H. HUYNH
D.C. Bar No. 495403
Assistant United States Attorney (Detailed)
405 East 8th Avenue, Suite 2400
Eugene, Oregon 97401-2708
Telephone: (541) 465-6771
Joseph.Huynh@usdoj.gov

/s/ Bruce Barket
BARKET EPSTEIN KEARON
ALDEA & LOTURCO, LLP
666 Old Country Road
Suite 700
Garden City, NY 11530
bbarket@barketepstein.com