

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

**UNITED STATES OF AMERICA** )

v. )

**DOVA WINEGEART** )

**Defendant.** )

**Case No. 1:22-cr-00301 (EGS)**

**DEFENDANT'S NOTICE OF CONSENT TO EXCLUDE TIME UNDER THE SPEEDY  
TRIAL ACT**

Comes now the Defendant, DOVA WINEGEART, by and through undersigned counsel, and responds to the Court's minute order on September 14, 2022 for notice as to whether she consents to exclude time under the Speedy Trial Act, which she hereby does for the period between September 15th to 20th, 2022. Ms. Winegeart respectfully requests this honorable Court toll time under the Speedy Trial Act because:

Ms. Winegeart's consent is based upon 18 U.S.C. § 3161(h)(7)(B)(iv). Her case will involve a motion to suppress any evidence from the phone seized by the FBI, as well as motions for charge dismissals. The January 6 cases are complex, and require significant video discovery involving multiple grounds' cameras, the video and document material in the evidence data bases that are often difficult to access and explore, and exploration of open sources. Normally, AUSA's provide "Defendant-specific" discovery via USAfx, although of note there is a "Capitol Siege" discovery unit in the DOJ that has not released all discovery to date.

The time should be excluded because it results from questionable methods employed by the Government prior to September 13, 2022. In asking the Defendant to agree to a last-minute continuance of the August 25, 2022 preliminary hearing (that had been scheduled for many weeks) under the excuse of the AUSA preparing for an upcoming trial - where multiple

Government attorneys were assigned to that trial - the Government stated that it would not provide any discovery during the continuance period but also that it would not seek a grand jury indictment prior to the proposed continuance date of September 15, 2022 for the preliminary hearing. The Court, rather than a secret grand jury proceeding, would determine probable cause and whether to dismiss charges. The Government then proceeded during the continuance period to obtain a grand jury indictment and to not afford any discovery.

The Government's actions caused the need to exclude time now under the Speedy Trial Act. The Government stated that a grand jury indictment would not be pursued during the August 25 - September 15th, 2022 continuance period and that the Government would provide its evidence on September 15, 2022. While the Defense concedes that the Government may rightfully pursue a grand jury indictment that negates the requirement for a preliminary hearing, there was no need to employ questionable methods so that the Defendant would not object to the continuance, and to now have an additional "discovery limbo period" for the Defendant.

The Government has not offered even a draft of a protective order for discovery, and in denying a few specific Defense requests for information, stated that anything, including affidavits related to home and phone searches, are part of discovery. Lacking discovery, Ms. Winegeart and counsel will be severely disadvantaged in time and energy for motions and for effectively preparing for trial. This falls under 18 U.S.C. § 3161(h)(7)(B)(iv) as cause to exclude time between September 15th - 20th, 2022.

Wherefore, in the interests of justice, Ms. Winegeart consents and requests that this Court exclude the time from September 15th through September 20, 2022 under the Speedy Trial Act given the Government's actions that present a disadvantageous "discovery limbo period."

Dated September 15, 2022

Respectfully submitted,

/s/ Carolyn A. Stewart

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**CERTIFICATE OF SERVICE**

I hereby certify on the 15th day of September 2022, a copy of the foregoing was served upon all parties as forwarded through the Electronic Case Filing (ECF) System.

/s/ Carolyn A. Stewart

Defense Attorney