

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

UNITED STATES OF AMERICA	:	
	:	
	:	No. 22-cr-100-RBW
	:	
v.	:	
	:	
JACOB L. ZERKLE,	:	
	:	
<i>Defendant.</i>	:	

**DEFENDANT’S CONSENT MOTION TO CONTINUE STATUS
HEARING AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

Defendant Jacob L. Zerkle, through his undersigned counsel, files the present motion seeking the continuance of the hearing scheduled for August 25, 2022, the setting of a future status hearing between October 3 and October 14, 2022, and the continued exclusion of time under the Speedy Trial Act, and states as follows:

1. On March 25, 2022, the Government returned an Indictment in this matter.
2. On April 8, 2022, the Defendant was arraigned on the Indictment and an initial status hearing was set for July 8, 2022, which was subsequently continued until August 25, 2022. Time under the Speedy Trial Act has already been excluded through August 25, 2022.
3. Undersigned counsel still needs additional time to review discovery and to confer with the Government regarding potential follow up requests for additional discovery. Undersigned counsel also has two upcoming lengthy trials in the next six weeks. The additional time requested in this motion will allow counsel to balance existing court deadlines with the time required to further confer with the Defendant regarding discovery in this matter.
4. The Government will also be transitioning lead counsel in this case in September 2022 and the requested continuance will allow undersigned counsel and new Government lead

counsel to confer about discovery and potential scheduling conflicts that may exist between counsel to the extent a motions hearing or trial needs to be scheduled in this matter.

5. The Defendant understands that he has a right to a speedy trial and agrees to the exclusion of time under the Speedy Trial Act from August 25, 2022 until the next status hearing in this matter. The opportunity for counsel to review discovery and to confer with the Government regarding potential additional discovery serves the ends of justice and outweighs the best interest of the public and the Defendant in a speedy trial.

6. The Defendant also understands that while he has the right to an in person proceeding, he agrees — consistent with the Chief Judge’s Orders regarding the Covid-19 pandemic — to proceed remotely for the next scheduled status hearing. Undersigned counsel requests a remote status hearing to be set at the Court’s convenience for a date between *October 3 and October 14, 2022*, to the extent the Court is available.

7. Undersigned counsel conferred with Government counsel, Grace E. Albinson, Esq., on August 16, 2022, who represented that the Government *consents* to the relief requested in this motion.

8. For the aforementioned reasons, the Defendant respectfully requests that his motion for a continuance be granted and that the Court find that all time from August 25, 2022, until the next status hearing in this matter, shall be excluded from the calculation of time pursuant to the Speedy Trial Act under 18 U.S.C. § 3161(h)(7)(A) because the ends of justice served by the continuance outweigh the best interest of the public and the Defendant in a speedy trial. An appropriate proposed Order granting the requested relief accompanies this Motion.

Dated: August 16, 2022

Respectfully submitted,

/s/ Christopher Macchiaroli

Christopher Macchiaroli (D.C. Bar No. 491825)

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