

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

UNITED STATES OF AMERICA	:	
	:	CASE NO. 22-CR-00042
v.	:	
	:	
JOSHUA HERNANDEZ,	:	
	:	
Defendant.	:	

**CONSENT MOTION TO CONTINUE STATUS HEARING
AND TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT**

The defendant, through undersigned counsel, respectfully moves to continue the status hearing scheduled for September 27, 2022, to October 27, 2022, and to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), and in support of the motion submits the following:

On February 9, 2022, the government filed a nine-count indictment against Mr. Hernandez, stemming from his alleged participation in the protests at the United States Capitol building on January 6, 2022.

On March 28, 2022, the defendant made his initial appearance before this Court. At that time the Court scheduled a status hearing for May 31, 2022, and excluded time under the Speedy Trial Act until that date. The parties appeared for a status hearing on August 9, 2022, and indicated to the court that the discovery process was still on-going, and requested additional time to complete the discovery review.

The government provided case-specific discovery to undersigned counsel on April, 14, 2022, May 5, 2022, and May 20, 2022. The government provided global discovery to undersigned counsel on April 25, 2022, May 9, 2022, and August 11, 2022. It is counsel’s understanding that all discovery has been provided and all case specific discovery has been reviewed at this time. The parties are currently in plea negotiations and believe there is a reasonable possibility that an agreed

disposition will be arrived at. The parties are requesting additional time to complete negotiations and are requesting a 30 day continuance.

The parties agree that given these considerations, the ends of justice would be served by continuing this case for another status hearing in approximately 30 days, and that the ends of justice outweigh the best interest of the public and defendant in a speedy trial during that time. Excluding such time will afford the parties the opportunity to complete plea discussions. The government consents to this motion.

WHEREFORE, the parties respectfully request that the Court continue this matter to October 27, 2022, and exclude time through and including that date, for purposes of any computation under the Speedy Trial Act.

Respectfully submitted,

/s/ Jay P. Mykytiuk
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of Court, and provided to all parties of record via CM/ECF this 26th day of September, 2022.

/s/ Jay Mykytiuk