

**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 October 27, 2022, to November 2, 4, 7, or 10, 2022, for a plea hearing, 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 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, and May 9, 2022.

The government has provided a revised plea offer to Mr. Hernandez, but undersigned counsel was not able to review the offer with Mr. Hernandez until October 24th, 2022. Mr. Hernandez has indicated his willingness to accept the agreement, but due to counsel being in trial

this week, he requires additional time to thoroughly review the documents and obtain the appropriate signatures.

The parties agree that given these considerations, the ends of justice would be served by continuing this case an additional week to 10 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 defense the opportunity to appropriately review the plea documents with Mr. Hernandez, obtain his signatures, and submit them to the Court prior to the plea hearing. The government consents to this motion.

WHEREFORE, the parties respectfully request that the Court continue this matter to November 2, 4, 7, or 10, 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 25th day of October, 2022.

_____/s/_____

Jay Paul Mykytiuk