

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

UNITED STATES OF AMERICA,	:	
	:	
v.	:	Case No. 1:21-CR-485-BAH
	:	
KERRY WAYNE PERSICK,	:	
	:	
Defendant.	:	

**UNOPPOSED MOTION TO CONTINUE THE JANUARY 28, 2022 STATUS
CONFERENCE FOR 90 DAYS**

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully moves the Court for an order granting the Government’s Unopposed Motion to Continue the January 28, 2022 Status Conference for 90 days. The Government further requests the Court exclude the period of the continuance from the computation of time under the Speedy Trial Act. In support of this motion, the Government states as follows:

1. Defendant Kerry Wayne Persick (“Defendant”) is charged by Information with Entering and Remaining in a Restricted Building, in violation of Title 18, United States Code, Section 1752(a)(1)(Count One); (Disorderly and Disruptive Conduct in a Restricted Building, in violation of Title 18, United States Code, Section 1752(a)(2)(Count Two); Violent Entry and Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(D)(Count Three); and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G)(Count Four) based on his alleged actions on January 6, 2021 at the United States Capitol. Numerous individuals have been arrested during the rioting at the United States Capitol which has resulted in complex discovery production issues.

2. On May 13, 2021, Defendant was arrested in Fort Worth, Texas, and later released on a personal recognizance bond.

3. On July 30, 2021, the Court held a Status Conference in this case. The parties discussed that discovery had been provided to the Defendant, and that the Government would continue to supplement discovery.

4. On September 27, 2021, the Government, with the Defendant's consent, filed an Unopposed Motion to Continue the Status Conference, which the Court granted.

5. On October 6, 2021, undersigned counsel filed a Notice of Substitution of counsel for the Government. The Government and the Defendant continue to confer regarding the ongoing discovery process and a negotiated settlement of the charges.

6. On October 15, 2021, the Government filed a motion for disclosure seeking authorization to disclose Federal Rule of Criminal Procedure 6(e) and sealed materials, which the Court granted.

7. On October 21, 2021, the parties conferred and agreed that the Court's Status Conference, which was set for October 29, 2021, should be continued for approximately 90 days so that the Defendant can review the additional discovery and the parties can finalize a plea agreement. The parties also agreed that under the Speedy Trial Act the Court should exclude the time between October 29, 2021 and the next set Status Conference. The parties also requested that the Court conduct the next Status Conference via videoconference, which the Court granted and continued the case to January 28, 2022.

8. During the continuance the Government continued to provide discovery. Additional time, however, is needed to conclude the matter. Defendant's counsel trial schedule and issues related to the ongoing COVID-19 pandemic has hampered Defendant's counsel

opportunity to meet and confer with Defendant on the available discovery and a negotiated settlement of the charges.

WHEREFORE, for the foregoing reasons, the Government respectfully requests that the Court grant this Motion to Continue the January 28, 2022 Status Conference for 90 Days, and further requests that the Court exclude the period from January 28, 2022 until the next Status Conference in this case from the computation of time under the Speedy Trial Act.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this 20th day of January 2022, a copy of the Government's Unopposed Motion to Continue the January 28, 2022 Status Conference for 90 days was served on Defendant through his counsel of record via the Court's CM/ECF.

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