

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

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UNITED STATES OF AMERICA

No. 22-cr-100-RBW

v.

JACOB L. ZERKLE,

*Defendant.*

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**DEFENDANT’S MOTION TO CONTINUE PRETRIAL CONFERENCE AND TRIAL**

Defendant Jacob L. Zerkle, through his undersigned counsel, files the present motion seeking the continuance of the pretrial conference scheduled for May 23, 2023 and the trial scheduled for June 12, 2023, 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.
3. A trial is scheduled in this matter for June 12, 2023. In advance of trial, a pretrial conference was originally scheduled for May 5, 2023. The Defendant, a resident of Arizona, had originally made travel arrangements to be present in Washington, DC for the pretrial conference. Given a scheduling conflict with Government counsel, the pretrial conference was rescheduled for May 23, 2023 at 1:30 p.m.
4. Undersigned counsel is in preparation to commence jury selection on May 8, 2023 for a trial that *at a minimum* should take approximately two weeks to complete. *See United States v. Mark Clark*, No. 20-cr-151-CJN. Besides being unable to attend the pretrial conference, undersigned counsel is unable to prepare with the Defendant in this matter as to all pretrial and

trial related matters. Accordingly, to have time to adequately prepare for a rescheduled pretrial conference and for trial and to review the various additional open-source video evidence that has been produced by the Government timely upon the Government's receipt, undersigned counsel requests a continuation of the present trial date of June 12, 2023. The Defendant agrees to waive all applicable time under the Speedy Trial Act beyond the tolling already agreed to through June 12, 2023.

5. Undersigned counsel has discussed the requested continuance with the Government. To the extent that the trial is continued until August 2023, the Government consents to the present motion. To the extent the trial is continued until November 2023, the Government takes no position on the present motion. Currently, undersigned counsel has a month-long three codefendant trial set to commence on July 10, 2023 in *United States v. Benjamin Soto, et al.*, 23-cr-00044-RJL. While undersigned counsel has availability anytime after September 15, 2023 to try this case, Government counsel, after August 2023, is unavailable until November 2023 given Government counsel's own trial commitments.

6. Accordingly, undersigned counsel requests that the Court vacate the current pretrial and trial dates, set a remote status conference to occur between May 29 and June 12, 2023 for the sole purpose of setting new trial date and pretrial dates and deadlines. The Defendant notes that he has been in complete compliance with his release conditions since the inception of this case. The Defendant requests a remote status hearing as he resides in Arizona and the Government does not oppose a remote status hearing as well.

7. Undersigned counsel conferred with Government counsel, Katherine Boyles, Esq., on May 4, 2023, and provided a copy of this motion to counsel before filing, and through referenced Government counsel, the Government does not oppose the positions taken in this

motion and the requested relief stated herein and as memorialized in the Proposed Order accompanying this motion.

Dated: May 4, 2023

Respectfully submitted,

/s/ Christopher Macchiaroli

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

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