

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

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|---------------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA | : | |
| | : | |
| v. | : | Case No. 21-cr-623-2 (CRC) |
| | : | |
| KIRSTYN NIEMELA, | : | |
| | : | |
| Defendant. | : | |

**RESPONSE TO DEFENDANT’S MOTION TO
CONTINUE FINAL PRETRIAL AND JURY TRIAL**

The United States of America hereby respectfully responds to the defendant’s Motion to Continue Final Pretrial and Jury Trial for the purpose of clarifying that, upon further consideration, the motion is joint.

In support thereof, the government states as follows:

1. In the status conference held on October 27, 2022, the parties advised the Court that they had engaged in a reverse proffer with the defendant, and that they believed a resolution of the matter short of trial was likely. The Court in turn advised the parties that it now had a conflict with the November 28, 2022, trial date.
2. Furthermore, the government advised during the status conference that it needed a response soon from both defendants as to whether they would plead, as the Court’s deadline for submitting an exhibit list and Lewis/Giglio information was imminent—this Monday, November 7, 2022. *See* Dkt. No. 34. The Court indicated that in light of recent events, it would be amenable to providing relief from this deadline.
3. Thereafter, on October 28, 2022, the government submitted executed plea paperwork for defendant Eckerman to the Court. Should the Court accept defendant Eckerman’s

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 imminent— this Monday, November 7, 2022. See Dkt. No. 34. The Court indicated that in light of recent events, it
 would be amenable to providing relief from this deadline. The next day, on October 28, 2022, the government
 submitted executed plea paperwork for defendant Eckerman to the Court. Should the Court accept defendant
 Eckerman's plea at the hearing on November 8, 2022, this matter will be a single-defendant, misdemeanor-only
 case. 4. For the reasons stated in defendant Niemela's motion, and because there is a substantial likelihood the
 matter will result in a plea, the government thereby joins the pending motion to continue the trial date and vacate
 all deadlines so that the parties can continue to negotiate a resolution of this matter or prepare for a modified trial
 presentation. A proposed order is attached. Respectfully submitted, MATTHEW M. GRAVES UNITED STATES
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A proposed order is attached.

Respectfully submitted,

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