

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DAVID RENE ARREDONDO,

Defendant.

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Case No.: 22-cr-373 (RCL)

**UNITED STATES’ UNOPPOSED MOTION TO
EXCLUDE TIME UNDER THE SPEEDY TRIAL**

The United States of America hereby moves this Court to exclude the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, from the date of the last status hearing on October 3, 2023, to the next status hearing on October 31, 2023. *Minute Entry*, Dated October 3, 2023. At the last status hearing, the Court, on its own motion, set an October 31, 2023 status hearing and a December 14, 2023 trial date.

The government seeks to exclude speedy trial time because it has just made individualized disclosure that may facilitate a plea discussion and potential resolution. The parties will know whether settlement can occur before the next status hearing.

In support of its motion, the Government states as follows:

ARGUMENT

Section 3161(h) of the Speedy Trial Act sets forth certain periods of delay which the Court must exclude from the computation of time within which a trial must commence. As is relevant to this motion for a continuance, pursuant to subsection (h)(7)(D), the Court must exclude delay from the filing of any pre-trial “motion through the conclusion of the hearing on, or other prompt disposition of, such motion.” 18 U.S.C. § 3161(h)(7)(D). Also, pursuant to subsection (h)(7)(A),

the Court must exclude:

Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

18 U.S.C. § 3161(h)(7)(A). This provision further requires the Court to set forth its reasons for finding that that any ends-of-justice continuance is warranted. *Id.* Subsection (h)(7)(B) sets forth a non-exhaustive list factors that the Court must consider in determining whether to grant an ends-of-justice continuance, including:

...

- (iv) Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. § 3161(h)(7)(B)(i)(ii) and (iv). Importantly, “[i]n setting forth the statutory factors that justify a continuance under subsection (h)(7), Congress twice recognized the importance of adequate pretrial preparation time.” *Bloate v. United States*, 559 U.S. 196, 197 (2010) (citing §3161(h)(7)(B)(ii), (B)(iv)). Finally, an interests-of-justice finding is within the discretion of the Court. *See, e.g., United States v. Rojas-Contreras*, 474 U.S. 231, 236 (1985); *United States v. Hernandez*, 862 F.2d 17, 24 n.3 (2d Cir. 1988).

In this case, an ends-of-justice finding is warranted under 18 U.S.C. § 3161(h)(7)(A) based on the factor described in 18 U.S.C. § 3161(h)(7)(B)(iv). The government recently made an individualized disclosure to Defendant that could potentially shape a settlement in the case. The

consideration of the individualized disclosure, along with upcoming plea discussions, may take time away from the parties' ability to prepare for trial. If settlement talks fail, then one party may seek to continue the trial date to ensure it has sufficient time to prepare its case.

Defendant's counsel does not object to the government's motion.

WHEREFORE, the Government respectfully requests that this Court grant the motion to exclude time from the status hearing on October 3, 2023, to the next status hearing on October 31, 2023 (28 days). The government submits that excluding time will serve the ends of justice and outweigh the best interest of the public and Defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

Respectfully submitted,

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