

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

<b>UNITED STATES OF AMERICA</b>	:	<b>Criminal No. 1:22-mj-00203-GMH</b>
	:	
<b>v.</b>	:	
	:	
<b>THOMAS CAREY,</b>	:	
	:	
<b>Defendant.</b>	:	
	:	

**JOINT MOTION TO CONTINUE AND  
TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The parties are currently scheduled for a status hearing on November 17, 2022. The United States of America and counsel for the above-captioned defendant hereby move this Court for an approximately 90-day continuance of that hearing and to exclude the time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*. In support of this joint motion, the undersigned states as follows:

1. Defendant was charged by complaint for violations related to his actions on January 6, 2021. He was arrested on September 15, 2022, for misdemeanor charges related to entering and remaining in a restricted building or grounds and discovery conduct therein. Defendant is not in custody.

2. Both case specific and global discovery has been provided to Defendant, which has included filesharing of documents produced to Relativity. The Government expects more discovery to be produced in the future. The production to Relativity included numerous audio files and other records of the U.S. Capitol Police, tens of thousands of tips and related documentation made to the Metropolitan Police Department tipline, and FBI reports of interviews, among other materials. Defense continues to review discovery and further investigate this matter.

3. Additionally, the parties are currently actively engaged in discussion of a pre-trial resolution of this matter. The Government has provided an offer to the defendant who is currently reviewing it. Thus, plea negotiations are ongoing and expected to continue after the currently set status hearing.

4. Given defenses interest in reviewing the voluminous discovery materials, the parties seek an additional continuance of approximately 90 days in light of the holidays or another date thereafter at the Court's convenience. The additional time will afford the United States time to continue to produce discovery, defense counsel time to review and investigate any matters as needed, and the parties time to discuss any possible pre-trial resolution of this matter.

WHEREFORE, the parties respectfully request that this Court grant the motion for an approximately 90-day continuance of the above-captioned proceeding, and that the Court exclude the time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy indictment or trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv), and failure to grant such a continuance would result in a miscarriage of justice.

Respectfully submitted,

MATTHEW M. GRAVES  
United States Attorney  
D.C. Bar Number 481052

By: /s/ Joseph H. Huynh  
JOSEPH H. HUYNH  
D.C. Bar No. 495403  
Assistant United States Attorney (Detailed)  
405 East 8th Avenue, Suite 2400  
Eugene, Oregon 97401-2708  
Telephone: (541) 465-6771  
Joseph.Huynh@usdoj.gov

/s/ Allen Orenberg

Allen Orenberg

D.C. Bar No. 395519

The Orenberg Law Firm, PC

12505 Park Potomac Avenue. 6<sup>th</sup> Floor

Potomac, MD 20854

aorenberg@oregnberglaw.com