

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

RICHARD SLAUGHTER, and  
CADEN PAUL GOTTFRIED,

Defendants.

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Crim No. 1:22-cr-00354-RCL

**MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

On November 20, 2023, this Honorable Court entered an Order granting the defendants' attorneys' Motions to Withdraw, vacating the November 21 motions hearing, continuing the December 1 trial date, and setting a status conference for January 10, 2024. *See* Order, Doc. 94. In light of the Court's Order, the government respectfully requests that the Court also enter an order excluding the time between December 1, 2023 and January 10, 2024 from Speedy Trial Act calculations, on the basis that the ends of justice served by taking such action outweighs the best interest of the public and the defendants in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

I. Background

The defendants contacted government counsel by email on the evening of November 17, 2023. *See* Doc. 97. The defendants attached a Notice of Termination, Doc. 95, and a Motion for Continuance, Doc. 96. The government immediately forwarded these materials to the Court. *See* Doc. 94. Within these documents, the defendants expressed their intent to terminate their engagement of Mr. John Pierce and Mr. Roger Roots as counsel and requested a continuance of 60 to 90 days for trial, so that they could engage replacement counsel. *See* Docs. 95, 96. Shortly thereafter, both Mr. Pierce and Mr. Roots filed Motions to Withdraw. Docs. 93, 93. The Court

subsequently granted the Motions to Withdraw, vacated the Motions Hearing set for November 21 and the December 1 trial date, and reset this matter for an in-person status conference on January 10, 2024. Doc. 94. In light of the fact that the defendants are now without counsel and the need for any replacement counsel to review discovery and become familiar with the case, the government respectfully requests that the time between December 1, 2023 and January 10, 2024 be excluded from Speedy Trial Act calculations. The government submits that under the current circumstances, the ends of justice served by doing so outweigh the best interest of the public and the defendants in a speedy trial.

## II. Speedy Trial Act

Pursuant to the Speedy Trial Act, in any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense must commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs. 18 U.S.C. § 3161(c)(1). 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 an indictment must be filed. As is relevant to this motion for a continuance, 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:

- (i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.
- (ii) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.
- ...
- (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). An ends-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). “The substantive balancing underlying the decision to grant such a continuance is entrusted to the district court’s sound discretion.” *United States v. Rice*, 746 F.3d 1074 (D.C. Cir. 2014).

In this case, an ends-of-justice finding is warranted under 18 U.S.C. § 3161(h)(7)(A) based on the factors described in 18 U.S.C. § 3161(h)(7)(B)(i)(ii) and (iv). First, as of this morning and upon their own request, the defendants are without counsel. As discussed in their filings, the defendants are “actively and diligently seeking counsel” but requested a continuance to do so. *See* Doc. 96 at 3-4. Second, as the defendants point out, replacement counsel will need some period of time to appear in this case and review discovery before proceeding to trial. *See id.*

III. Conclusion

WHEREFORE, the government respectfully requests that this Court exclude the time between December 1, 2023 and January 10, 2024 from the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such action outweighs the best interest of the public and the defendants in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv), for the reasons detailed above.

Respectfully submitted,

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