

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

MENACHEM COHEN,

Defendant.

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Crim No. 1:22-cr-00393-DLF

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

The United States, through undersigned counsel, and the defendant Menachem Cohen, by and through his counsel Benjamin Yaster, hereby files this motion to adjourn the status hearing set for February 1, 2023, in the above-captioned matter, for approximately 30 days, until March 3, 2023, or another date convenient to the Court; and to exclude the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* The parties request the additional time to review discovery productions and engage in plea negotiations. In support of this consent motion, the undersigned states as follows:

1. The parties last appeared before the Court for arraignment on the Information on December 9, 2022. At that time, the Court set a status conference via video for February 1, 2023.
2. On December 12, 2022, Defendant filed his acceptance to the protective order entered in this case (ECF No. 20).
3. The United States provided productions to the defense on December 13, 2022 (both case-specific and global discovery), December 30, 2022, January 6, 2023, and January 13, 2023. These productions include surveillance footage from the Capitol, case file

materials, and electronic evidence obtained from the defendant, including the defendant's cell phone. In total, the United States has provided more than 370 electronic files in case-specific discovery to date.

4. On January 17, 2023, the United States extended a plea offer to Defendant through defense counsel.
5. Counsel for the United States and the defense spoke by telephone on January 17, 2023. Defense counsel has requested more time to review the discovery in depth with his client so his client can make an informed decision regarding the government's plea offer.

The parties respectfully request that this Court grant the motion for an approximately 30-day continuance of the above-captioned proceeding, or until the next status hearing set by the Court, and that the Court exclude the time from February 1, 2023, until the next status date, pursuant to 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 trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B).

Respectfully submitted,

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