

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

UNITED STATES OF AMERICA

v.

WILLIAM DUNFEE,

Defendant.

No. 23-CR-00036 (RBW)

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

The United States of America, by and through undersigned counsel, the United States Attorney for the District of Columbia, and defendant William Dunfee, by and through his attorneys Curt C. Hartman and Thomas W. Kidd, Jr., hereby file this joint motion to continue the status conference set for Wednesday, April 26, 2023, in the above-captioned matter, for approximately 60 days, until Wednesday, June 28, 2023; 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 engage in plea negotiations and for the defense to review recent discovery productions.

1. The defendant's initial appearance and arraignment was held on February 9, 2023, before the Court. During the hearing, the government advised the Court that a protective order was in place, a global discovery production had recently been made, and some case-specific discovery had been produced pre-indictment.
2. Since then, case-specific discovery was produced via USAfx on March 22, 2023, pertaining to the initial investigation of the Defendant; on April 5, 2023, pertaining to the full investigation and arrest of the Defendant; and on April 18, 2023, including all

videos referenced in the case file, as well as government video exhibits from other cases showing the Defendant, and other open-source videos. The government is prepared to share any case-specific discovery productions again upon request of counsel.

3. The government has made all global productions available on the defense instances of Relativity and Evidence.com. Since the last hearing, global productions were made on February 23, 2023, and April 10, 2023. At this juncture, over 4.95 million files (over 7.52 terabytes of information) have been provided to the defense Relativity workspace. These files include (but are not limited to) the results of searches of 772 digital devices and 421 Stored Communications Act accounts; 5,798 FBI FD-302s and related attachments (FD-302s generally consist of memoranda of interviews and other investigative steps); 423 digital recordings of subject interviews; and 149,130 (redacted or anonymous) tips. Over 30,000 files consisting of body-worn and hand-held camera footage from five law enforcement agencies and surveillance-camera footage from three law enforcement agencies have been shared to the defense Evidence.com video repositories. Corresponding indexes have been made available via USAfx.
4. The government expects to make additional global productions, which should include, *inter alia*, the scoped results of search warrants conducted on other Capitol riot defendant's electronic devices and social media accounts, recorded custodial interviews of Capitol riot defendants, and additional materials in the custody and control of the FBI that may be relevant to the defendants.
5. Mr. Kidd has communicated to the government that Relativity training for defense counsels is scheduled for April 26, 2023, which will explain to defense counsels how to navigate the discovery workspace.

6. The government plans to enter plea discussions with the defense before the date of the proposed status hearing and expects those discussions to continue in the near future.
7. Given the case-specific and global discovery recently produced, and the forthcoming entry into plea negotiations, the parties ask for an additional 60 days to work toward a resolution in this matter and for the defense to review discovery productions.

The parties request that the Court exclude the time until the status conference on June 28, 2023, 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).

Respectfully submitted,

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Date: April 20, 2023

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