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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

|                           |   |                             |
|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, | ) | No. 21-CR-687 (FYP)         |
|                           | ) |                             |
| Plaintiff,                | ) | UNOPPOSED DEFENSE MOTION TO |
|                           | ) | CONTINUE TRIAL STATUS DATE  |
| v.                        | ) |                             |
|                           | ) |                             |
| DAVID CHARLES RHINE,      | ) |                             |
|                           | ) |                             |
| Defendant.                | ) |                             |

The defendant, David Rhine, through his attorney, Assistant Federal Public Defender Christian Izaguirre, respectfully requests a continuance of the trial status hearing to March 21, 2022. The request for continuance is unopposed by the Government, as represented by Assistant United States Attorney Alison Prout.

- 1) Mr. Rhine is charged by Information with:
  - Count One: Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1);
  - Count Two: Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2);
  - Count Three: Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and
  - Count Four: Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G).

Dkt. 8.

1           2)     Mr. Rhine was arrested on November 9, 2021, in Gig Harbor,  
2 Washington. Dkt. 5. He made his initial appearance on November 9, 2021, before  
3 Magistrate Judge David W. Christel at the United States District Courthouse for the  
4 Western District of Washington in Tacoma. Dkt. 7.

5           Mr. Rhine was placed on bond and made his initial video appearance before  
6 Magistrate Judge Robin M. Meriweather on November 16, 2021 in the District of  
7 Columbia.

8           On December 8, 2021, Mr. Rhine appeared via video for arraignment, and upon  
9 motion of the defense, was granted a deferred entry of plea with time excluded under  
10 the Speedy Trial Act through February 18, 2022. Dkt. 16.

11           A status hearing is currently set for February 18, 2022 at 2:00 p.m. Dkt. 16. This  
12 is the first request for an extension of the trial status hearing date.

13           3)     Defense counsel has been working through the voluminous discovery  
14 which is controlled in multiple platforms that are unfamiliar to this office and Mr.  
15 Rhine. In addition, Mr. Rhine has been presented with an offer and needs time to  
16 consider.

17           4)     In order to provide effective assistance of counsel to Mr. Rhine for these  
18 serious charges, the defense needs additional time to review the voluminous discovery,  
19 interview potential witnesses, and conduct legal research. Given the nature of these  
20 charges, and the voluminous highly protected discovery, undersigned counsel require  
21 additional time beyond the current trial status date of February 18, 2022, in order to  
22 discuss possible plea negotiations, prepare for trial and file pre-trial motions.

23           For these reasons, the parties request the Court find that:

24           (a) taking into account the exercise of due diligence, a failure to grant a  
25 continuance would deny counsel for the defendant the reasonable time necessary for  
26 effective preparation, due to counsel's need for more time to review the evidence,

1 consider possible defenses, gather evidence material to the defense, and discuss  
2 possible plea negotiations as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

3 (b) a failure to grant a continuance would likely result in a miscarriage of justice,  
4 as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

5 (c) the case is sufficiently complex that it is unreasonable to expect adequate  
6 preparation for pretrial proceedings or the trial itself within the current trial schedule, as  
7 set forth in 18 U.S.C. § 3161(h)(7)(B)(ii); and

8 (d) the ends of justice will best be served by a continuance, and the ends of  
9 justice outweigh the best interests of the public and the defendant in any speedier trial,  
10 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

11 (e) the additional time requested between the current trial status date of February  
12 18, 2022, and the new trial status date is necessary to provide counsel for the defendant  
13 reasonable time to prepare for trial considering all of the facts set forth above.

14 Mr. Rhine has executed a speedy trial waiver through March 31, 2022, which  
15 will be filed with this motion.

16 Defense counsel have conferred with Assistant United States Attorney Alison  
17 Prout who has no objection to a continuance of the trial status date.

18 The parties further ask the Court to exclude the time period from the date of this  
19 motion to the new trial status date for purposes of computing the time limitations  
20 imposed by the Speedy Trial Act.

21 DATED this 14th day of February, 2022.

22 Respectfully submitted,

23 *s/ Christian Izaguirre*  
24 Assistant Federal Public Defender  
25 Attorney for David Charles Rhine  
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