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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 the week of July 5, 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           On February 15, 2022, the Court granted the defendant's unopposed Motion to  
12 Continue the Trial Status hearing from February 18, 2022, to March 25, 2022.

13           On March 25, 2022, the parties appeared via videoconference where the Court  
14 granted the defense's oral motion for a continuance of the Trial Status hearing from  
15 March 25, 2022, to May 13, 2022.

16           The defense now requests a further continuance of the Trial Status hearing to the  
17 week of July 5, 2022. Mr. Rhine is receiving new counsel within this office because the  
18 undersigned are leaving the federal defender office. In addition, Mr. Rhine's new  
19 defense team will be making a trip to the capital to view the scene of the alleged  
20 conduct the weekend of May 14, 2022.

21           3)     New defense counsel will need the additional time to familiarize  
22 themselves with the voluminous discovery which is controlled in multiple platforms  
23 that are unfamiliar to this office and Mr. Rhine. In addition, Mr. Rhine has been  
24 presented with an offer and needs time to consider.

25           For these reasons, the parties request the Court find that:  
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1 (a) taking into account the exercise of due diligence, a failure to grant a  
2 continuance would deny counsel for the defendant the reasonable time necessary for  
3 effective preparation, due to counsel's need for more time to review the evidence,  
4 consider possible defenses, gather evidence material to the defense, and discuss  
5 possible plea negotiations as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

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

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

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

14 (e) the additional time requested between the current trial status date of May 13,  
15 2022, and the new trial status date is necessary to provide new counsel for the  
16 defendant reasonable time to prepare for trial considering all of the facts set forth  
17 above.

18 Mr. Rhine has executed a speedy trial waiver through July 31, 2022, which will  
19 be filed with this motion.

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

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

4         DATED this 5th day of May, 2022.

5   Respectfully submitted,

6   *s/ Christian Izaguirre*

7   *s/ Christopher M. Sanders*

8   Assistant Federal Public Defenders

9   Attorneys for David Charles Rhine

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