

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

UNITED STATES OF AMERICA :
 : **CASE NO. 1:21-cr-687-RC**
 v. :
 :
DAVID CHARLES RHINE :
 :
 Defendant. :

JOINT MOTION TO CONTINUE STATUS CONFERENCE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, by and through his counsel, respectfully move this Court to continue the status hearing currently scheduled for July 22, 2022 until August 10, 2022, and to exclude time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) from July 22, 2022 to August 10, 2022. In support of this motion, the government states as follows:

1. The defendant was charged by criminal complaint on November 4, 2021, on charges of Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, in violation of 18 U.S.C. § 1752(a)(1); Knowingly Engaging in Disorderly or Disruptive Conduct in any Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); Violent Entry and Disorderly Conduct on Capitol Grounds, in violation of 40 U.S.C. § 5104(e)(2)(D); and Willfully and Knowingly Parading, Demonstrating, or Picketing in any of the Capitol Buildings, in violation of 40 U.S.C. § 5104(e)(2)(G). The defendant was charged by information for the same offenses on November 19, 2021.

2. The government has engaged in substantial production of discovery, including FBI records, electronic device and search warrant records, and video footage. The parties have also engaged in extensive discussions regarding possible resolutions short of trial. Specifically, the

government's offer for a plea agreement was set to expire on July 15, 2022. On that day, counsel for the defendant informed the government that the defendant had declined the government's plea offer. Accordingly, the parties anticipate that a trial will be necessary in this case. At the next status hearing, the parties plan to propose that trial in this case be scheduled for a date agreeable to the Court in mid-October 2022.

3. The undersigned counsel has a professional obligation that may conflict with the status conference currently scheduled for July 22, 2022, at 3:00 p.m. Specifically, I am scheduled to appear for a pretrial conference on that date at 11 a.m. in a case, *United States v. James Allen Mels*, No. 21-cr-194-BAH (D.D.C.), that is scheduled for trial beginning on August 1, 2022. Counsel for Mr. Rhine and counsel for the government have conferred about alternative dates for a status hearing in this case. Based on the parties' and the Court's respective schedules, it appears that the earliest practicable date for a status conference in this case is August 10, 2022 at 2 p.m. The parties accordingly respectfully request that the status hearing currently scheduled for July 22, 2022 be continued until August 10, 2022.

4. The government further moves, pursuant to 18 U.S.C. § 3161(h)(7)(A), to exclude time under the Speedy Trial Act in the interests of justice from July 22, 2022 until August 10, 2022. This additional period is necessary to continue pretrial preparations, including any additional discovery and developing a mutually agreeable schedule for pretrial motions, motions in limine, and a pretrial conference. Therefore, the government respectfully submits that the ends of justice served by such exclusion would outweigh the best interest of the public and the defendant in a speedy trial.

5. Counsel for the government has conferred with defense counsel regarding this motion. I am authorized to state that the defendant joins the motion and waives his rights under the Speedy Trial Act.

WHEREFORE, the government and the defendant respectfully move that the status hearing in this case currently scheduled for July 22, 2022, be continued until August 10 at 2 p.m.

July 21, 2022

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar No. 481052

By: /s/ Francesco Valentini
Francesco Valentini
D.C. Bar No. 986769
Trial Attorney
United States Department of Justice, Criminal Division
Detailed to the D.C. United States Attorney's Office
601 D Street NW
Washington, D.C. 20530
(202) 598-2337
francesco.valentini@usdoj.gov

CERTIFICATE OF SERVICE

I certify that, on July 21, 2022, an electronic copy of the foregoing was served on counsel for the defendant via the Court's ECF system.

/s/ Francesco Valentini
Francesco Valentini