

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>CASE NO. 1:21-cr-687-RC</b>
<b>v.</b>	:	
	:	
<b>DAVID CHARLES RHINE</b>	:	
	:	
<b>Defendant.</b>	:	

**UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSES TO DEFENDANT’S PRETRIAL MOTIONS**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves this Court for a 14-day extension of time, from November 16, 2022 until November 30, 2022, to file the government’s responses to the defendant’s pretrial motions (ECF Nos. 38, 42, 43, 46, and 47). As explained below, good cause exists for the extension requested in this motion:

1. On November 4, 2021, the defendant was charged by criminal complaint on the following charges in connection with his participation in the January 6, 2021 attack on the U.S. Capitol: Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). The defendant was charged with the same offenses by information on November 19, 2021.

2. Following a status conference, on August 12, 2022, this Court issued an order setting the following pretrial schedule:

1. The parties shall file any pretrial motions on or before October 17, 2022, with responses due by November 16, 2022;
2. The parties shall submit a joint pretrial statement ... on or before December 19, 2022;
3. The parties shall appear for the pretrial conference on January 23, 2023 at 2:00 p.m. by videoconference; and
4. Trial will commence on January 30, 2023 at 10:00 a.m. in Courtroom 23A.

(ECF No. 36). On October 17, 2022, the defendant filed five pretrial motions—two motions to dismiss, a motion to change venue, a motion to suppress, and a motion in limine—raising a multitude of legal issues and spanning approximately 130 pages of briefing. (ECF Nos. 38, 42, 43, 46, and 47).

3. I am the attorney principally responsible for preparing the government's responses to the defendant's motions. Given the length and complexity of the defendant's motions, I need additional time to prepare responses that will best assist the Court in adjudicating the issues presented in the motions.

4. Several other professional obligations with proximate deadlines have required and will require significant attention on my part, including an oral argument in the United States Court of Appeals for the Tenth Circuit in Denver, Colorado, on November 17, 2022. My competing professional obligations include:

- i. I presented oral argument in *United States v. Haynes*, No. 22-5132 (6th Cir.), on October 20, 2022.
- ii. I prepared a draft of the government's brief in opposition to certiorari in *Smith v. United States*, No. 21-1576 (U.S. filed Oct. 28, 2022).

- iii. I prepared a draft of the government's brief in opposition to certiorari in *Judel Espinoza-Gonzalez v. United States*, No. 21-8201 (U.S. filed Nov. 7, 2022).
- iv. I am preparing the government's answering brief in *United States v. Coleman*, No. 22-1529 (8th Cir.), which is due on or before November 10, 2022.
- v. I am presenting oral argument in *United States v. Kolkman*, No. 22-8004 (10th Cir.), on November 17, 2022, in Denver, Colorado.
- vi. I am handling a sentencing hearing on November 21, 2022, in *United States v. Evans*, No. 1:21-cr-142 (D.D.C.), which arises out of the January 6 attack on the U.S. Capitol.
- vii. I am handling a sentencing hearing on December 7, 2022, in *United States v. Puma*, No. 1:21-cr-454 (D.D.C.), which also arises out of the January 6 attack on the U.S. Capitol.
- viii. I am handling a bench trial starting on December 12, 2022, in *United States v. Grider*, No. 1:21-cr-22 (D.D.C.), which also arises out of the January 6 attack on the U.S. Capitol.

5. The extension of time requested in this motion should not require any modification of the pretrial schedule and will not prejudice the defendant. As noted, a joint pretrial statement is not due until December 19, 2022; the pretrial conference is scheduled for January 23, 2023; and trial is set to commence on January 30, 2023. If the government's responses are filed on November 30, 2022 as proposed, the schedule will leave substantial time to consider and adjudicate the motions in December 2022 and January 2023.

6. I have conferred with Ms. Becky Fish, counsel for the defendant, about this motion. Ms. Fish indicated that the defendant does not oppose this motion.

WHEREFORE, the United States respectfully moves that the time within which it must file its responses to the defendant's pretrial motions be extended from November 16, 2022, to November 30, 2022.

November 9, 2022

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that, on November 9, 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