

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

UNITED STATES OF AMERICA	:	Criminal No. 23-mj-00014-ZMF
	:	
v.	:	
	:	
JOSHUA ABATE,	:	
	:	
Defendant.	:	
	:	

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

The parties are currently scheduled for a status hearing on March 21, 2023. The United States of America and counsel for the defendant, Joshua Abate, hereby move this Court for an approximately 60-day continuance of that hearing and to exclude the time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*. In support of this joint motion, the undersigned states as follows:

1. Defendant was charged by complaint for violations related to his actions on January 6, 2021. He was arrested on January 18, 2023 for misdemeanor charges related to entering and remaining in a restricted building or grounds and discovery conduct therein. Defendant is not in custody.

2. Both case specific and global discovery (24 volumes) has been provided to Defendant, which has included filesharing of documents produced to Relativity. It expects more discovery to be produced in the future. The production to Relativity included numerous audio files and other records of the U.S. Capitol Police, tens of thousands of tips and related documentation made to the Metropolitan Police Department tipline, and FBI reports of interviews, among other materials. Defense continues to review discovery and further investigate this matter.

3. Additionally, the parties are currently actively engaged in discussion of a pre-trial

resolution of this matter. The Government has provided an offer to the defendant who is currently reviewing it. Thus, plea negotiations are ongoing and expected to continue after the currently set status hearing.

4. Given defenses interest in reviewing the voluminous discovery materials, the parties seek an additional continuance of approximately 60 days or another date thereafter at the Court's convenience. The additional time will afford the United States time to continue to produce discovery, defense counsel time to review and investigate any matters as needed, and the parties time to discuss any possible pre-trial resolution of this matter. If a pretrial resolution is not found, the parties anticipate the government filing an Information/Indictment as needed.

WHEREFORE, the parties respectfully request that this Court grant the motion for an approximately 60-day continuance of the above-captioned proceeding, and that the Court exclude the time under the Speedy Trial Act, 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 indictment or trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv), and failure to grant such a continuance would result in a miscarriage of justice.

Respectfully submitted,

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