

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

UNITED STATES OF AMERICA	:	Criminal No. 1:23-mj-00180-RMM
	:	
v.	:	
	:	
WILLIAM MARTY BIERBRODT and	:	
JOSEPH BIERBRODT,	:	
Defendants	:	
	:	

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

The parties are currently scheduled for a preliminary hearing on October 17, 2023. The United States of America and counsel for the above-captioned defendants hereby move this Court for a continuance of that hearing and to set a status hearing for November 28, 2023, 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. Defendants were charged by complaint for violations related to his actions on January 6, 2021. They were arrested on July 26, 2023, for misdemeanor and felony charges related to entering and remaining in a restricted building or grounds and conduct therein. Defendant is not in custody.

2. Both case specific and global discovery will be provided to Defendant after a protective order is obtained. The Government anticipates filing an unopposed motion for a protective order after receipt of the executed draft from each defendant. The Government expects significant case specific and global discovery to be produced in the future. The production to Relativity will include 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.

3. Counsel needs time to review the discovery and consult with their respective clients as well as conduct any necessary investigation. Furthermore, the parties will engage in discussions for pre-trial resolution of this matter and will continue to do so during this continuation.

4. Given defense counsels' interest in reviewing the voluminous discovery materials, the parties seek an additional continuance to allow for such review. The additional time will afford the United States time 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.

WHEREFORE, the parties respectfully request that this Court grant the motion for a 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.*, including holding of any preliminary hearing or deadline for indictment, 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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Approved By:

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