

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

AYAZ QURESHI,

Defendant.

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CRIMINAL NO. JKB-22-330

**CONSENT MOTION TO EXCLUDE TIME
PURSUANT TO THE SPEEDY TRIAL ACT**

The United States of America, by and through its counsel, Erik L. Barron, the United States Attorney for the District of Maryland, and Paul A. Riley, Assistant United States Attorney for the District of Maryland, respectfully submits this Motion to Exclude Time Pursuant to the Speedy Trial Act, and moves to exclude time from the speedy trial calculation pursuant to Title 18 U.S.C. § 3161(h).

1. On September 19, 2022, the Government filed a single count Information charging Defendant with Wire Fraud Conspiracy in violation of 18 U.S.C. § 1349. ECF No. 1.
2. On October 14, 2022, Defendant pleaded guilty to Count One of the Information pursuant to a plea agreement, and his sentencing was thereafter postponed multiple times.
3. On August 29, 2023, Defendant moved to withdraw his guilty plea, and the Government responded to Defendant's Motion. ECF Nos. 20, 25.
4. On November 29, 2023, Judge Bennett held a hearing on the Motion to Withdraw and ultimately granted Defendant's Motion. ECF Nos. 35-36.

5. On December 18, 2023, an Indictment was returned charging Defendant with two counts of Wire Fraud and one count of Wire Fraud Conspiracy, in violation of 18 U.S.C. § 1343, and 18 U.S.C. § 1349, respectively.

6. On January 8, 2024, the Court held a scheduling conference call with the parties and, after conferring with the parties concerning their availability for trial, issued an Order scheduling the trial in this matter to begin on April 29, 2024. ECF No. 45. That Order likewise directed the Government to file a motion to exclude time pursuant to the Speedy Trial Act. *Id.* at 2. In an email of January 8, 2024, counsel to Defendant consented to the exclusion of all time under the Speedy Trial Act from the date Defendant filed the Motion to Withdraw (August 29, 2023) through the trial date of April 29, 2024.

7. Thereafter, substantial discovery was produced to Defendant, and the parties have been in discussions regarding resolution of this matter short of trial.

8. In light of the above, the parties are seeking an exclusion of all time under the Speedy Trial Act for the entire period from November 29, 2023 through and including April 29, 2024.

9. Under the Speedy Trial Act, a criminal defendant must be brought to trial within seventy days of the later of either the filing of an indictment or the first appearance before a judicial officer of the court in which the charge is pending. 18 U.S.C. § 3161(c)(1).

10. The Speedy Trial Act permits a trial court to continue a trial date beyond the seventy-day limit if such continuance is granted by the Court on the basis of a finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). In deciding whether to grant such a continuance, the Court may consider, *inter alia*, whether the failure to grant the continuance

would deny counsel for the defendant or the attorney for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

11. The Government submits that the ends of justice served by continuing the trial of this matter beyond the speedy trial date outweigh the interests of Defendant and the public in a speedy trial, and, therefore, the resulting delay is permissible pursuant to 18 U.S.C. § 3161(h)(7). Defendant's counsel is reviewing discovery, and counsel are engaging in plea discussions. Moreover, the parties agreed to the trial date of April 29, 2024 ultimately ordered by the Court on January 8, 2024. Further, as noted, Defendant's counsel has consented to this motion.

12. In light of the foregoing facts, the Government respectfully requests that the Court issue an Order finding that the interests of justice served by excluding the time from November 29, 2023 through and including April 29, 2024, including preparation for trial and discussions about a potential resolution of the case without a trial, outweighs Defendant's and the public's interests in a speedy trial. *See* 18 U.S.C. § 3161(h)(7).

9. A proposed Order for the Court's consideration is attached.

Respectfully submitted,

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