

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

DAVID STAVELEY,
a/k/a "Kurt Sanborn"

Case No. 1:20-MJ-00033LDA

MOTION TO EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT

The United States moves to exclude the period beginning on May 5, 2020 and extending through June 30, 2020 from the period within which an indictment or information must be filed against Defendant under 18 U.S.C. § 3161(b). This is the first motion for exclusion sought in this case. As grounds for this motion, the United States notes the following:

1. Current counsel for Defendant has advised that Defendant is in the process of retaining a private attorney and that he therefore does not feel comfortable agreeing to a continuance of the Speedy Trial clock at this time.

2. On March 19, 2020, the District Court for the District of Rhode Island entered a General Order cancelling all juries and grand juries due to the COVID-19 pandemic through May 2020. On May 6, 2020, the Court entered an Order extending the cancellation of grand juries until June 30, 2020. The Court specifically ordered that due to the unavailability of grand juries during the months of May and June 2020, the 30 day period for filing an Indictment is tolled for each defendant pursuant to 18 U.S.C. § 3161(b).

3. As there are no grand juries available until at least July 2020, the United States has no means of presenting the case against Defendant to a grand jury for the consideration of an indictment. Although the time from defendant's arrest on May 5, 2020 until June 30, 2020 is excluded by the Court's General Orders, to preserve a proper record, the United States respectfully requests that the Court enter an order tolling the Speedy Trial Act time periods in each individual case.

The United States submits that the ends of justice will be served by excluding the aforementioned time period and that such ends of justice and interests of Defendant outweigh any interest Defendant or the public may have in a speedy indictment and/or trial.

Respectfully submitted,

AARON L. WEISMAN
United States Attorney

/s/ Lee Vilker
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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May, 2020, I caused the Motion To Exclude Time Under the Speedy Trial Act to be filed electronically and it is available for viewing and downloading from the ECF system.

Electronic Notification:
George West, Esq.

/s/ Lee Vilker
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