IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA	*	
	*	
v.	*	
	*	**CRIMINAL NO. GLR-23-026**
RYAN DALES,	*	
	*	
Defendant.	*	
	*	

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MOTION TO EXCLUDE TIME
PURSUANT TO THE SPEEDY TRIAL ACT

The United States of America, by and through its counsel, Erek 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 January 25, 2023, a federal grand jury sitting in the District of Maryland returned an indictment charging Defendant Ryan Dales with Wire Fraud (18 U.S.C. § 1343) and Possession of a Firearm by Prohibited Person (18 U.S.C. § 922(g)(1)). On January 30, 2023, Defendant had his initial appearance and arraignment on the Indictment, and thereafter substantial discovery has to date been provided to the defense.

2. On May 15, 2023, the Office of the Federal Public Defender withdrew from this matter.

3. On May 17, 2023, the grand jury returned a superseding indictment charging Defendant with multiple additional offenses, including Aggravated Identity Theft (18 U.S.C. § 1028A(a)(1)), Wire Fraud (18 U.S.C. § 1343), as well as a drug and firearm offenses in violation of 21 U.S.C. §§ 841(a)(1), and 924(c), respectively.

4. On May 24, 2023, Defendant's new counsel was appointed.

5. The Court previously issued Orders excluding all time under the Speedy Trial Act for a period from January 30, 2023 through July 28, 2023. ECF Nos. 25, 29, 43.

6. The Government has proposed further tolling of the speedy trial clock to allow the defense to continue to review discovery and assess the case and for the parties to conduct discussions regarding resolution on this matter short of trial.

7. Further, counsel for the Defendant has advised that counsel consents to the tolling of the Speedy Trial Act for a period from July 28, 2023 through November 10, 2023.

8. 18 U.S.C. § 3161(h)(7)(A) provides support for the sought exclusion of time. It specifically excludes from the speedy trial time requirements "any period of delay resulting from a continuance granted . . . at the request of the defendant or his counsel or at the request of the attorney or the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial."

9. "[D]elays resulting from plea negotiations" are excludable as delays "resulting from other proceedings concerning the defendant" within the meaning of § 3161(h)(1). *United States v. Ford*, 288 F. App'x 54, 57-58 (4th Cir. 2008) (summary order) (citing 18 U.S.C. § 3161(h); *United States v. Bowers*, 834 F.2d 607, 610 (6th Cir. 1987) and *United States v. Montoya*, 827 F.2d 143, 150 (7th Cir. 1987)); *see also United States v. Leftenant*, 341 F.3d 338, 344-45 (4th Cir. 2003) ("other proceedings" include plea negotiations between the parties).

10. Moreover, a number of courts have held that continuances to permit additional time for plea negotiations are proper under § 3161(h)(7)—the provision of the Speedy Trial Act authorizing continuances where doing so will serve "the ends of justice." *See, e.g., United States*

v. Fabian, 798 F. Supp. 2d 647, 673 (D. Md. 2011) ("[A]n 'ends of justice' exclusion is intended to cover any of various circumstances, including where . . . the government and the defendant are engaged in ongoing plea negotiations.") (citations omitted); *United States v. Fields*, 39 F.3d 439, 445 (3d Cir. 1994) ("Nothing in the language of 18 U.S.C. § 3161(h)(8) suggests that an 'ends of justice' continuance may not be granted for this purpose. . . . In current federal practice, plea negotiations play a vital role. We therefore see no reason why an 'ends of justice' continuance may not be granted in appropriate circumstances to permit plea negotiations to continue.").

11. 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 July 28, 2023 through November 10, 2023, including preparation for trial and discussions about a potential resolution of the case without a trial, outweighs the Defendant's and the public's interests in a speedy trial. *See* 18 U.S.C. § 3161(h)(7).

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

Respectfully submitted,

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By: /s/

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