

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division—Felony Branch**

UNITED STATES OF AMERICA	:	Case No. 2025 CF3 012052
	:	
v.	:	Judge Robert Salerno
	:	
MARCELLUS DYSON,	:	TRH: December 19, 2025
	:	
Defendant.	:	

GOVERNMENT’S MOTION FOR GOOD CAUSE CONTINUANCE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully requests this Honorable Court to grant a continuance of the currently scheduled trial date of January 5, 2026, in this matter. The government is investigating Defendant Marcellus Dyson for an Armed Robbery, Aggravated Assault While Armed, and other charges. In support of its request, the United States submits as follows:

1. This Court has the authority to extend the time for trial to take place for a period not to exceed 45 days “on the basis of a petition submitted by the attorney for the government” “on the basis of good cause shown, including due diligence and materiality.” D.C. Code § 23-1322(h)(1). Such good cause includes “the necessity for forensic analysis of evidence.” *Id.*
2. There is good cause for an extension of time in this case because the government does not expect to receive DNA analysis back until shortly before the currently scheduled trial date.
3. Shortly after 10:11 PM on September 20, 2025, officers with the Metropolitan Police Department responded to the intersection of 8th and C Street NE in response to a call for service for a shooting. V-1, an off-duty firefighter, reported that he was walking home from a party and heard someone approach him from behind. The suspect pulled out a gun and demanded V-1’s property. V-1 handed over his property, and the suspect instructed him to “unlock your phone.”

As V-1 started trying to grab the gun, the suspect grabbed the muzzle. The gun went off, hitting the suspect in the left hand and hitting V-1 in the upper right side of his chest. The suspect dropped everything and screamed that he was shot. V-1 reported that the suspect took off running eastbound on C Street NE, but then returned and started coming back toward V-1. At that point, V-1 picked up the gun and shot twice at the suspect, who fled eastbound on C Street NE again.

4. Defendant, who matched the lookout description provided by V-1, was seen with a gunshot wound to the hand blocks away shortly thereafter. When he saw officers, he took off running, and officers ultimately apprehended him in the rear of 425 9th Street NE.

5. A firearm was recovered at the scene where V-1 was shot. The firearm was a Glock 9mm privately manufactured firearm with no serial number. The slide was locked to the rear, and 15 rounds of ammunition remained in a 17-round capacity magazine.

6. On September 23, 2025, Defendant was arraigned in C-10 on charges of Armed Robbery, Aggravated Assault While Armed, and Possession of a Firearm During a Crime of Violence. He was preventatively detained pursuant to D.C. Code § 23-1322(b)(1)(A).

7. On the morning of September 23, 2025, the government obtained a judge-signed search warrant for a buccal swab of Defendant Marcellus Dyson, which was executed on September 23, 2025.

8. On September 26, 2025, Judge Rainey Brandt commenced a Preliminary Hearing in this case. After Detective Jonathan Beatty with the Metropolitan Police Department testified, the Court found probable cause and ultimately decided to hold Defendant pursuant to D.C. Code § 23-1322(b)(1)(A).

9. In a Rosser letter filed on September 23, 2025, the defense stated that it “objects to any request for a buccal swab or blood sample . . . as well as consumption of DNA.”

10. On September 23, 2025, the government provided consumption notice to the defense, notifying the defense that the government would be authorizing consumption of original source DNA.

11. The consumption notice indicated that the U.S. Attorney's Office would authorize the laboratory to proceed with testing on these items unless the defense filed a motion opposing consumption on or before 7 calendar days from the letter. Defendant did not file such a motion.

12. Due to the confusion between the defense's Rosser letter indicating it opposes consumption of DNA and the defense's not filing a motion opposing consumption within the 7-day period, the government raised this issue at the first Status Conference before the Court on October 7, 2025. After the Court authorized the government to proceed with consumption of DNA, the government requested DNA testing on October 7, 2025. The Government requested expedited testing from DFS.

13. The government received an estimated turnaround time that "the earliest DFS can get results for this case would be end of December." The government has not yet received DNA testing results.

14. The Defendant has been detained in this matter since September 22, 2025, and the Government understands the 100th day in this matter to be Wednesday, December 31, 2025. Trial is currently set to begin on Monday, January 5, 2026.

15. The DNA results are very important and material in this case, as the firearm was found where V-1 was shot but is believed to have been used by the Defendant to shoot V-1. As such, the trial should be continued for a reasonable period of time to allow for the completion of the analysis and for both sides to review the report.

16. Given that DNA results are expected back at the end of December (shortly before the currently scheduled trial date), and given that the government moved diligently to obtain Defendant's buccal swab and order DNA testing of the swabs, the government has shown good cause for a continuance of the trial date. Moreover, any prejudice to the Defendant is minimal given the short amount of time that this trial would be continued.

17. This is the Government's first request for a good cause continuance in this matter.

18. Moreover, continuing to preventatively detain the Defendant during that period would be appropriate for several reasons. First, the statute specifically contemplates that the 100-day clock may be extended where there is a "necessity for forensic analysis of evidence" and time to prepare for trial after such testing has been completed. D.C. Code § 23-1322(h)(1). Second, there are still no conditions of release that would reasonably ensure the safety of the community or the Defendant's return to court. In this case the Defendant robbed V-1 at gunpoint and then shot V-1 in the upper chest.

19. Considering all those factors, Judge Brandt held the Defendant pursuant to § 23-1322(b)(1)(A), finding that there were no conditions or combination of conditions of release that would reasonably ensure the safety of the community. The Defendant's circumstances have not materially changed since Judge Brandt and this Court considered the Defendant's requests for release. Therefore, releasing the Defendant is inappropriate.

20. Because the government seeks only a brief continuance as necessary to allow the DNA testing to conclude and to allow the government and defense time to review the results and prepare for trial, the most reasonable resolution would be to continue the trial and to continue to hold the Defendant.

21. The government is requesting that the currently scheduled Trial Readiness Hearing of December 19, 2025, be converted to a Status Hearing, with new trial dates to be selected in February 2025.

WHEREFORE, the government respectfully requests that the Court convert the currently scheduled Trial Readiness Hearing of December 19, 2025, to a Status Hearing and vacate the trial date of January 5, 2026.

Respectfully submitted,

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[PROPOSED] ORDER

Upon consideration of the Government’s Motion for a Good Cause Continuance of the trial date currently scheduled for January 5, 2026, it is hereby **ORDERED** by the Court this _____ day of _____, 2025 that the motion is **GRANTED**; and it is further

ORDERED that the trial date of **January 5, 2026**, is hereby vacated; and it is further

ORDERED, that the Trial Readiness Hearing scheduled for December 19, 2025, be converted to a Status Hearing; and it is further

ORDERED that the motions, expert notice, and PPMS deadlines previously set by the Court be vacated to be re-set at the Status Hearing on December 19, 2025.

The Honorable Robert Salerno
Associate Judge
Superior Court of the District of Columbia