

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	No. 1:21-cr-00186-CRC
	:	
DAVID A. BLAIR,	:	
	:	
Defendant.	:	

**GOVERNMENT’S NOTICE REGARDING NEED FOR EVIDENTIARY HEARING ON
DEFENDANT’S MOTION TO SUPPRESS EVIDENCE**

The United States of America, by and through the United States Attorney for the District of Columbia, hereby provides notice to the Court, as directed by the Court’s Order issued on March 22, 2022, as to whether an evidentiary hearing is needed on the defendant’s motion to suppress evidence (ECF doc. # 41).

The government submits that an evidentiary hearing is needed, provided the defendant does not plead guilty at the plea-agreement hearing scheduled for March 29, 2022. An evidentiary hearing is necessary to address disputed issues of fact with respect to whether the police had probable cause to arrest the defendant and if so, whether the search of a backpack, which resulted in the recovery of a knife, was authorized as a warrantless search incident to arrest. However, for the reasons set forth in the government’s memorandum in opposition to the motion (ECF doc. # 44), the evidentiary hearing need not address whether the closure of the West Lawn of the Capitol, where the defendant was arrested, was lawful under the First Amendment; whether law enforcement members failed to comply with a general order of the Metropolitan Police Department; or whether the members failed to comply with the First Amendment Assemblies Act of 2004, D.C. Code §§ 5-331.01 - 5-331.17.

Respectfully submitted,

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