

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

UNITED STATES OF AMERICA

v.

THOMAS PATRICK HAMNER,

Defendant.

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Case No. 21-cr-689 (ABJ)

STATUS REPORT AND MOTION TO CONTINUE STATUS CONFERENCE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits the following Status Report. The government also respectfully moves the Court to continue the Status Conference for approximately 45 days, and to exclude the intervening time under the Speedy Trial Act. In support of the Motion, the government represents:

1. The defendant is before the Court charged in an indictment with: Assaulting, Resisting or Impeding Certain Officers Using a Dangerous Weapon and Aiding and Abetting, in violation of Title 18, United States Code, § 111(a)(1) and (b); Civil Disorder and Aiding and Abetting, in violation of Title 18, United States Code, Section 231(a)(3); Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, § 1752(a)(1) and (b)(1)(A); Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, § 1752(a)(4) and (b)(1)(A); and Act of Physical Violence in the Capitol Building or Grounds, in violation of Title 40, United States Code, § 5104(e)(2)(F) (ECF No. 6).

2. On June 16, 2022, the defendant pled guilty to one count of Civil Disorder and Aiding and Abetting, Count Two of the indictment. On September 23, 2022, the Court sentenced the defendant, principally, to 30 months incarceration.
3. On March 6, 2023, the Court ordered the parties to appear in-person for a Status Conference on March 16, 2023, regarding the remaining counts of the indictment and the Court excluded speedy trial from November 14, 2022 to March 16, 2023.
4. On March 16, 2023, the undersigned must appear in District Court for the Northern District of New York in Albany, New York for appearances in *United States v. Kevin Nixon*, 1:21-CR-428 (GTS), and *United States v. Jeremy Demar*, 8:22-CR-332 (GTS). Further, defense counsel is actively engaged in trial in *United States v. Enrique Tarrío, et al* before Judge Kelly. Upon information and belief, the trial will not be concluded on or before March 16, 2023. Additionally, Mr. Hamner is serving his sentencing at a Bureau of Prisons (“BOP”) facility in Florence, Colorado. Upon information and belief, the parties will need a minimum of 30 days for the defendant to be returned to USMS custody in Washington, D.C. from BOP custody in Colorado.
5. The government believes it is in the interest of justice to toll the Speedy Trial Act while the parties await a status conference and return the defendant from BOP. The government thus requests a tolling of the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A), based on the factors described in 18 U.S.C. 3161(h)(7)(B)(i), (ii), and (iv), as well as 18 U.S.C. § 3161(h)(1)(G).

