

**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 SCHEDULE 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 United States also respectfully moves the Court to schedule a Status Conference 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 to, *inter alia*, 30 months incarceration.
3. The charges in the indictment to which the defendant did not plead guilty remain pending.
4. The Court set a status conference for March 16, 2023, however defense counsel was actively engaged in trial at that time and unable to attend. The Court continued the status conference to April 25, 2023 at a time to be determined once availability of videoconferencing at the facility as which the defendant is held was determined. The Court excluded the time between March 16, 2023 and April 25, 2023 from the Speedy Trial Act calculation. March 14, 2023 Minute Order. No status conference was held, however.
5. On May 15, 2023, AUSA Alexandra Foster filed a notice of appearance for the government on this matter. (ECF No. 47).
6. Accordingly, the government respectfully moves the Court to schedule a Status Conference in the matter to discuss scheduling a trial.
7. The government submits it is in the interest of justice to toll the Speedy Trial Act while the parties await the Status Conference. The parties thus request 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).
8. Therefore, the government requests the Court schedule a Status Conference and moves for an exclusion of time under the Speedy Trial Act from April 25, 2023, through the scheduled Status Conference.
9. The defendant is in custody serving his sentence.

