

1:21-cr-00126-BAH Document 32 Filed 09/29/21 Page 1 of 4 2 Conduct in a Capitol Building; and 7) 40 U.S.C. § 5104(d), Stepping, Climbing, Removing, or Injuring Property on the Capitol Grounds.

2. The government alleges that Mr. Faulkner damaged a particular window on the exterior of the U.S. Capitol. Despite the fact the window is on the exterior of the U.S. Capitol, upon information provided by the government, the allegedly damaged window is not in an area that can be accessed by the general public. Accordingly, to see the damage, counsel is required to take a guided tour while Congress is not in session coordinated through the U.S. Attorney's Office in order to visit the crime scene at the U.S. Capitol.

3. On August 14, 2021, the parties had arranged for counsel to defendant to take a tour of the U.S. Capitol. Unfortunately, counsel for defendant had an unexpected death in the family and could not attend the tour. The parties agreed to set another viewing of the location of the incident once another tour of the U.S. Capitol was set.

4. On September 29, 2021, this Honorable Court granted a Joint Motion to Continue with the expectation that another tour would occur in that next month, which would allow the defense to view the damages and scene where the alleged damage by Mr. Faulkner occurred.

5. As of today, there has not been another U.S. Capitol tour that has been scheduled since the most recent tour of August 14, 2021. It is expected that viewing the scene will be helpful to the parties for further plea negotiations and/or trial preparation. The parties are still hopeful that a plea agreement can be reached.

6. Mr. Faulkner agrees to exclude the time from now until the next status date under the Speedy Trial Act.

7. Accordingly, the parties request for the status hearing to be continued for approximately ninety (90) days, to approximately the first week in March, 2022. Mr. Faulkner agrees to toll the time between now and the next hearing date.

WHEREFORE, the parties jointly request for the status in this matter to be continued for ninety (90) days.

Respectfully submitted,

UNITED STATES OF AMERICA
By Counsel

TROY FAULKNER
By Counsel

/s/Emory V. Cole
Emory V. Cole
PA Bar #49136
Assistant United States Attorney
United States Attorney's Office
555 Fourth Street, N.W.
Washington, DC 20530
Phone: (202) 252-2656

/s/ John L. Machado
John L. Machado, Esq.
Bar No. 449961
Counsel for Troy Faulkner
503 D Street, N.W., Suite 310
Washington, DC 20001
Phone: (703) 989-0840
E-mail: johnlmachado@gmail.com

Certificate of Service

I hereby certify that a true copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system this 1st day of December, 2021, which will send a notification of such filing (NEF) to the following to all counsel of record.

/s/John L. Machado
John L. Machado, Esq.
Bar Number 449961
Attorney for Troy Elbert Faulkner
Law Office of John Machado
503 D Street NW, Suite 310
Washington, D.C. 20001
Telephone (703)989-0840
Email: johnlmachado@gmail.com