

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

UNITED STATES OF AMERICA

v.

CHRISTOPHER WARNAGIRIS,

DEFENDANT.

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CRIMINAL CASE No: 1:21-CR-0382-PLF

TRIAL: JANUARY 22, 2024

DEFENDANT’S MOTION TO CONTINUE

Christopher Warnagiris respectfully moves this Court to vacate the presently scheduled trial date of January 22, 2024, and to stay the proceedings in this case for a few months until the Supreme Court resolves *United States v. Joseph Fischer*, 64 F.4th 329 (D.C. Cir. 2023), *cert. granted*, (U.S. Dec. 13, 2023) (No. 23-5572), which reversed a district court opinion holding that the actions of January 6 defendants do not qualify as conduct that falls within Section 1512(c)(2).

Mr. Warnagiris has filed an Amicus Brief on this issue, asking for the Supreme Court to clarify the breadth of § 1512(c)(2). *See* ECF No. 60. The Defendant has also moved to dismiss Count Two, charged under Section 1512(c)(2). *See* ECF No. 37. Mr. Warnagiris’s pretrial interests and bench instructions are directly implicated by the pending Supreme Court decision in *Fischer*. *See* ECF No. 71, 102.

Moreover, the Government has identified the obstruction charge as one on which the conviction of another felony in the Second Superseding Indictment is contingent—the charge of assault on law enforcement with the intent to commit another felony. *See* ECF No. 95. Therefore,

there are two felony charges in Mr. Warnagiris' case — the two most serious ones — that are contingent on the outcome of the *Fischer* appeal.

Mr. Warnagis is not incarcerated and has been compliant with his pretrial release conditions for over a year and a half, since his arrest in May of 2021. The stay or a continuance is in the interests of justice, the public, and the defendant — and Mr. Warnagiris is willing to waive his rights under the Speedy Trial Act, 18 U.S. Code § 3161.

In the interest of judicial economy, Mr. Warnagiris moves this Court to stay the trial for just a few months until the Supreme Court resolves the issues raised in *Fischer*; or, in the alternative, to continue this case for status pending the resolution in *Fischer*.

Respectfully submitted,

By Counsel:

_____/s/
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CERTIFICATE OF SERVICE FOR CM/ECF

I hereby certify that on December 14, 2023, I will electronically file the foregoing with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

_____/s/
Marina Medvin, Esq.