

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>CASE NO. 21-MJ-216</b>
<b>v.</b>	:	
	:	
<b>ADAM AVERY HONEYCUTT,</b>	:	
	:	
<b>Defendant.</b>	:	

**JOINT MOTION TO CONTINUE STATUS HEARING  
AND EXCLUDE TIME UNDER SPEEDY TRIAL ACT**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant Adam Avery Honeycutt, through counsel, respectfully move to continue the status hearing scheduled for September 30, 2021, to November 15, 2021, and to exclude time under the Speedy Trial Act.

The defendant is charged via criminal complaint in this District with two counts related to the January 6, 2021, attack on the U.S. Capitol. Specifically, he is charged with one count of Knowingly Entering or Remaining in any Restricted Building or Grounds without Authority, in violation of 18 U.S.C. § 1752(a), and one count of Violent Entry and Disorderly Conduct on Capitol Grounds in violation of 40 U.S.C. § 5104(e)(2) (“Attack on the Capitol case”). On February 11, 2021, the defendant had his initial appearance in the Middle District of Florida following his arrest. He was advised of his rights, charges, and penalties. *United States v. Honeycutt*, 3:21-mj-1067, ECF No. 2 (M.D. Fla. Feb. 11, 2021). On February 24, 2021, the defendant waived his right to a preliminary hearing in this case. *Id.* at ECF Nos. 17, 18 (M.D. Fla. Feb. 24, 2021).

On June 1, 2021, the defendant pled guilty in the Middle District of Florida to one count of knowingly possessing a firearm by an unlawful user of a controlled substance in violation of

18 U.S.C. §§ 922(g)(3) and 924(a)(2) (“Florida case”). The Florida case stemmed from the execution of a search warrant on his residence in connection with the Attack on the Capitol case.

The defendant is detained in the Florida case. His sentencing is scheduled for October 13, 2021. The government expects his guidelines range to be 30 to 37 months. The defendant was initially detained in the Attack on the Capitol case, but this Court granted his consent motion to release him from custody in the Attack on the Capitol case. ECF Nos. 12, 13.

Government counsel and counsel for the defendant have communicated about a variety of issues during the pendency of this case, including the defendant’s release, discovery, a protective order, filter terms regarding the execution of a search warrant of the defendant’s cell phone, and a plea offer. The government provided the defendant with preliminary discovery on September 14, 2021, and extended a plea offer on September 29, 2021. The defense needs additional time to discuss the government’s plea offer, and if it wishes to accept it, the parties need time to formalize the plea agreement in writing.

The Speedy Trial Act requires that the government file an information or indictment against a defendant within 30 days of arrest. 18 U.S.C. § 3161(b). However, the Act excludes any period of delay when a judge grants a continuance and finds that “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). Here, the exclusion of time through November 15, 2021, best serves the ends of justice and outweighs the interests of the public and the defendant in a speedy trial and indictment. The additional time will afford the defense with the opportunity to review informal discovery, to request additional discovery, and to review the plea offer. To the extent the defendant elects to accept the government’s plea offer, the additional time also will allow the parties to reduce the



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**ORDER**

Upon consideration of the Consent Motion to Continue Status Hearing and Exclude Time Under the Speedy Trial Act, it is this 30th day of September 2021, hereby

**ORDERED** that the motion is **GRANTED**; it is further

**ORDERED** that the status hearing is continued until November 15, 2021, at \_\_\_\_\_ before the Honorable Robin M. Meriweather; it is further

**ORDERED** that the time from September 30, 2021, through November 15, 2021, is excluded for purposes of any computation under the Speedy Trial Act, 18 U.S.C. § 3161; the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and indictment because the additional time will afford the defense with the opportunity to review informal discovery, to request additional discovery from the government, to review the government's plea offer, and to engage in additional discussions with the government regarding whether this case can be resolved without a trial. The additional time also will afford the parties with time to reduce any plea agreement to writing if the defendant decides to accept the government's plea offer.

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Zia M. Faruqui  
United States Magistrate Judge