

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	CASE. NO. 21-CR-226-CRC
	:	
	:	
CHRISTOPHER MOYNIHAN,	:	
	:	
Defendant	:	

UNOPPOSED MOTION TO VACATE PLEA HEARING

The Defendant, by and through his attorney, Assistant Federal Public Defender Ned Smock, respectfully requests that the August 23, 2022 Plea Agreement Hearing be vacated for the following reasons:

1. On March 17, 2021, the defendant was indicted and charged with Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. § 1512(c)(2) and 2; Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); Entering and Remaining on the Floor of Congress, in violation of 40 U.S.C. § 5104(e)(2)(A); Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G).

2. This matter is currently scheduled for a plea hearing on August 23, 2022. Mr. Moynihan is prepared to accept responsibility for his conduct on January 6. However, Mr. Moynihan is charged in several counts and in light of the recent decision from Judge Nichols

granting a motion to dismiss a § 1512 charge and the pendency of an appeal of that order, Mr. Moynihan wishes to litigate a motion to dismiss the § 1512 count in his case and, at a minimum, preserve it given that the viability of the only felony charge in this case is currently under consideration in the Court of Appeals for the D.C. Circuit. Mr. Moynihan anticipates either proceeding with a stipulated facts bench trial or entering a guilty plea to all remaining counts following disposition of this motion. Because it is unlikely that this motion can be fully briefed and resolved in advance of the current August 23, 2022 hearing date, Mr. Moynihan here moves to vacate that date.

3. The undersigned has consulted with counsel for the United States. The government does not object to this proposed course of action.

4. The parties agree that the Speedy Trial clock should be tolled during the pendency of the motion to dismiss being filed today.

Respectfully submitted,

A.J. KRAMER
Federal Public Defender

/s/
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