

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

NO. 1:21-CR-00301-TJK-1

UNITED STATES OF AMERICA

v.

STEPHEN ETHAN HORN,

Defendant.

**DEFENDANT'S UNOPPOSED
MOTION TO CONTINUE
STATUS CONFERENCE**

Defendant Stephen Ethan Horn, by and through undersigned counsel and with *no objection* from the government, respectfully requests that the status conference scheduled for June 17, 2022 be continued to a later date. In support, he states as follows:

1. On April 13, 2021, Mr. Horn was named in an information filed in this district charging him with four misdemeanor offenses: (i) entering and remaining in a restricted building, in violation of 18 U.S.C. § 1752(a)(1); (ii) disorderly and disruptive conduct in a restricted building, in violation of 18 U.S.C. § 1752(a)(2); (iii) disorderly and disruptive conduct in a Capitol building, in violation of 40 U.S.C. § 5104(e)(2)(D); and (iv) parading, demonstrating, or picketing in a Capitol building, in violation of 40 U.S.C. § 5104(e)(2)(G). As the Court is aware, the charges stem from the events that took place at the United States Capitol on January 6, 2021.
2. Mr. Horn's first appearance in this district was on April 27, 2021 before United States Magistrate Judge G. Michael Harvey. At that time, Mr. Horn entered pleas

of “not guilty” to each of the four charges contained in the criminal information and was subsequently released on conditions. *See* D.E. 13.

3. On February 25, 2022, the government filed an amended criminal information involving these same four crimes, and on March 1, 2022, Mr. Horn appeared before this Court for a status conference and again entered pleas of “not guilty” to each of these accusations.¹
4. Since that time and upon information and belief, Mr. Horn has remained in compliance with his conditions of release, and he and undersigned counsel are working together to review the vast amount of discovery material that has been provided by the government in this case.
5. Another status conference in this case is currently scheduled for Friday, June 17, 2022. At this time, however, undersigned counsel requests that this hearing be continued to a later date.
6. The basis for this request is that undersigned counsel is scheduled to be out of the office on leave that Friday. He sincerely apologizes for failing to notify the Court of this conflict when the status conference was initially scheduled on March 1, 2022.
7. Assistant United States Attorney Michael Gordon James has been contacted regarding his position as to the relief requested above, and the undersigned is authorized to report that the government has *no objection* to the status conference in this matter being continued.

¹ That same day, the Court granted Mr. Horn’s request for his conditions of release to be modified to allow him to possess a firearm under certain circumstances.

8. If the Court is inclined to grant this requested continuance, the parties have conferred regarding a new date for this status conference.
9. Counsel for the government has a number of other hearings this summer, as well as a trial beginning August 5, 2022. Due to these conflicts and conflicts with the undersigned's schedule, the parties propose continuing the status conference in this matter to a date no sooner than September 12, 2022.
10. Finally, the undersigned submits that this motion is made in good faith and *not* for purposes of delay. Neither the government nor the Defendant would be prejudiced by the status conference in this matter being continued.

WHEREFORE, the Defendant respectfully requests that the status conference in this matter be continued to a date no sooner than September 12, 2022. Mr. Horn consents to any delay caused by this continuance being excluded for purposes of calculating the speedy trial time for this matter and asserts that the ends of justice that would be served if this motion were granted would outweigh the best interest of the public and the Defendant in a speedy trial, as set forth in 18 U.S.C. § 3161(h)(7)(A).

Respectfully submitted this 8th day of June, 2022.

/s/ Marshall H. Ellis
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

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by electronically filing the foregoing with the Clerk of Court on June 8, 2022, using the CM/ECF system which will send notification of such filing to the above.

This the 8th day of June, 2022.

/s/ **Marshall H. Ellis**

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