

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

UNITED STATES OF AMERICA

v.

MICHAEL FOY,

Defendant.

Crim. Action No. 1:21CR108

JOINT STATUS REPORT

Michael Foy and the United States, by and through their attorneys, respectfully submits this Joint Status Report, in response to the Court's Minute Order directing the parties to advise the Court as to whether the parties have reached a plea agreement. *See* Minute Order, September 23, 2022.

The parties hereby advise that the parties are moving towards entering into a stipulated trial agreement, pending the Court's ruling on Mr. Foy's Motion to Dismiss the Obstruction Charge. ECF. No. 71.¹

The stipulated trial agreement is a resolution reached in other January 6 cases² and one that resolves the case short of a trial and permits Mr. Foy to preserve his appeal rights should the Court deny his Motion to Dismiss.³ The parties are available for a hearing on Mr. Foy's Motion, on the currently scheduled Pre-Trial Conference date of January 20, 2022, or prior to that date should the

¹ In that regard, counsel for the government will submit its opposition to the defendant's Motion to Dismiss on or before October 7, 2022.

² *See e.g. United States v. David Judd*, 1:21CR40 (TNM) and *United States v. William Reid*, 1:21CR316 (DLF)

³ The government has not yet provided the agreement paperwork because as noted, the terms of the stipulated trial agreement are contingent upon the Court's ruling.

Court prefer an earlier date for a Motions Hearing, if required by the Court. If the Court chooses to decide that motion on the papers, the parties will proceed accordingly. If the Court denies the defendant's motion, the parties will likely request that the Court set a Stipulated Trial date for this matter.

Respectfully submitted,

A. J. KRAMER
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/s/

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