

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

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

**CONSENT MOTION TO SCHEDULE A 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, with the consent of the defendant, respectfully moves to schedule a status hearing for May 4, 2021, and exclude time under the Speedy Trial Act.

The defendant is charged in two separate jurisdictions with three separate offenses. In this District, he is charged 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”).

In the Middle District of Florida, he is charged with one count of knowingly possessing, in and affecting interstate commerce, three pistols while being an unlawful user of a controlled substance, that is marijuana, 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.

On February 10, 2021, the defendant was charged via criminal complaint in the Attack on the Capitol Case.

On February 11, 2021, law enforcement executed a search warrant of the defendant's home and arrested him. During the execution of the search warrant, law enforcement recovered marijuana and three pistols. After his arrest, the defendant appeared in the Middle District of Florida for his initial appearance in the Attack on the Capitol case. The court ordered that he be temporarily held without bond pending a detention hearing.

On February 16, 2021, the court conducted a detention hearing in the Middle District of Florida. At the conclusion of that hearing, the court ordered that he be held without bond. The Court issued a detention order on February 19, 2021.

On February 18, 2021, a grand jury in the Middle District of Florida returned a one-count indictment in the Florida case.

On February 23, 2021, the defendant filed, in the Middle District of Florida, a motion to revoke the detention order entered in the Attack on the Capitol case.

On February 24, 2021, the defendant appeared in the Middle District of Florida in conjunction with both cases. In the Attack on the Capitol case, the defendant waived his right to a preliminary hearing, and the court signed an order committing the defendant to this District. With respect to the Florida case, the government moved for detention and the defendant waived his right to a detention hearing, reserving the right to reopen the hearing upon changed circumstances. The Middle District of Florida scheduled an April 5, 2021, trial in the Florida case.

On February 26, 2021, the government filed, in the Middle District of Florida, an opposition to the defendant's motion to revoke the detention order in the Attack on the Capitol

case contending that the Middle District of Florida lacked jurisdiction to consider that issue and that the motion must be filed in the District of Columbia.¹

On March 2, 2021, undersigned counsel and Mr. Lockett, counsel for the defendant in the Attack on the Capitol case, spoke about that case. Mr. Lockett indicated that the defense has no opposition to continuing the D.C. case for approximately sixty days to May 4, 2021, and excluding time under the Speedy Trial Act.

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).²

Here, the exclusion of time through May 4, 2021, best serves the ends of justice and outweighs the interests of the public and the defendant in a speedy trial and indictment because the additional time will allow the government to provide informal pre-indictment discovery to the defendant and to engage in discussions with the defendant, which might obviate the need for an indictment and trial in this case.

¹During a March 2, 2021, phone call, undersigned counsel informed Mr. Lockett that the government would not oppose his client’s release in the Attack on the Capitol case subject to certain conditions. The government anticipates that Mr. Lockett will file a motion in this courthouse regarding his client’s release conditions. Even if that motion is granted, as noted above, the defendant is still being held without bond in the Florida case.

²The Act also excludes additional periods of time relevant to this case. *See* 18 U.S.C. § 3161(h)(1)(D)-(F).

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ORDER

Upon consideration of the Consent Motion to Schedule a Status Hearing and Exclude Time Under the Speedy Trial Act, it is this ____ day of March, 2021, hereby

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

ORDERED that a status hearing is scheduled for May 4, 2021, at _____ before the Honorable Robin M. Meriweather; it is further

ORDERED that the time from March 3, 2021, through May 4, 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 government with the opportunity to provide informal pre-indictment discovery to the defendant and to engage in discussions with the defendant, which might obviate the need for an indictment and trial in this case.

Zia M. Faruqi
United States Magistrate Judge