

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

UNITED STATES OF AMERICA

v.

TERRY LYNN LINDSEY

Defendant.

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Case No.: 21-CR-162(2) (BAH)

JOINT STATUS REPORT

Pursuant to the Court’s informal request, the United States and defendant Terry Lynn Lindsey provide the following joint status report:

a. Possibility of Early Resolution

The parties have discussed the possibility of an early resolution of this case without trial. However, Mr. Lindsey has rejected the plea agreement proposed by the United States.

b. Speedy Trial Act

The parties stipulate and agree that the Court should find that the time between December 17, 2021 and the trial of this matter shall be excluded under the Speedy Trial Act, in the interests of justice. The Court should find that period of time excludable under 18 U.S.C. § 3161(h)(1) & (7)(A). The ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial, for reasons including that Mr. Lindsey and his counsel have sufficient time to review the discovery in this case and fully prepare for trial.

c. Motions Schedule

The parties agree that the Court should set a schedule for pre-trial motions at the status hearing scheduled for December 17, 2021.

d. Outstanding Discovery Issues

The parties do not believe that there are any outstanding discovery issues that require resolution by the Court.

e. Trial

The parties believe that this case will require a jury trial that may take three to four days. The parties propose trial to commence on March 14, 2022; April 25, 2022; or May 2, 2022.

f. Issues Requiring Special Attention

Mr. Lindsey anticipates raising a defense similar to that of public authority under Federal Rule of Criminal Procedure 12.3. Mr. Lindsey may raise a defense that his alleged entry into the U.S. Capitol Building on January 6, 2021 was permitted by law enforcement and therefore he lacked the *mens rea* required for conviction.

The United States anticipates filing one or more motions in limine, including a motion in limine related to that defense. The United States intends to argue, in part, that any alleged inaction by law enforcement – particularly given the circumstances of January 6, 2021 – could not and did not make lawful Mr. Lindsey’s illegal conduct.

Respectfully submitted,

MATTHEW M. GRAVES
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TERRY LYNN LINDSEY
Defendant

/s/ Jordan A. Konig
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