

**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 March 17, 2023, be continued to May 23, 2023. 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.

5. On August 19, 2022, Mr. Horn filed a motion to compel discovery material. D.E. 45. The government responded in opposition on August 31, 2022. D.E. 46.

6. At a September 26, 2022, status conference, the Court ordered the parties to submit supplemental briefing on the issues raised in Mr. Horn’s motion to compel.

7. The parties did so, *see* D.E. 49–50, and on October 24, 2022, the Court held a hearing concerning Mr. Horn’s motion to compel.

8. At the October 24, 2022, hearing, the Court denied Mr. Horn’s motion to compel and announced its reasons for doing so on the record. At that time, Mr. Horn’s case was scheduled for a future status conference, which is currently set for March 17, 2023.

9. Since the October 24, 2022, hearing, the parties have made a concerted effort to renew plea negotiations in this matter. In furtherance of these negotiations, undersigned lead counsel for Mr. Horn traveled to Washington, D.C., to meet in person with undersigned local counsel for Mr. Horn and counsel for the government on February 17, 2023.

10. This meeting was productive, but at the moment, renewed negotiations concerning Mr. Horn’s case are still ongoing.

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.

11. As such and in an attempt to avoid wasting the Court's valuable time, a continuance of the March 17, 2023, status hearing to a later date at which the parties will be prepared to give a better update on the status of Mr. Horn's case is now requested.

12. 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.

13. Regarding a future date, the parties have jointly conferred with the Court's Courtroom Deputy and have been informed that the Court is available for a status conference in this matter on May 23, 2023.

14. If the Court is inclined to grant this requested continuance, the parties would respectfully request that the status conference be continued to that date.

15. 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 May 23, 2023. Mr. Horn consents to any delay caused by this continuance being excluded for purposes of speedy trial act computations in this matter. To that end, he moves the Court, with the consent of the government, to exclude such time from Speedy Trial Act computations and asserts that the ends of justice that would be served if this motion to continue 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 14th day of March, 2023.

/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 March 14, 2023, using the CM/ECF system which will send notification of such filing to the above.

This the 14th day of March, 2023.

/s/ Marshall H. Ellis

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