

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

**UNITED STATES**

\*

**v.**

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**Case No. 21-cr-00553-TFH**

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**THOMAS JOHN BALLARD**

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\* \* \* \* \*

**CONSENT MOTION TO CONTINUE STATUS CONFERENCE AND  
EXCLUSION OF TIME FROM CALCULATION UNDER THE SPEEDY  
TRIAL ACT**

The Defendant, Thomas John Ballard, by and through his attorneys, Michael E. Lawlor, Nicholas G. Madiou, and Brennan, McKenna & Lawlor, Chtd., respectfully requests that this Honorable Court continue the status conference currently scheduled in this case on November 16, 2022 and exclude certain time from the Speedy Trial Act calculation in this case. In support of this Motion, counsel states the following:

1. On September 1, 2021, the Government charged Mr. Ballard by Indictment with Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); Obstruction of Official Proceeding, in violation of 18 U.S.C. § 1512,(c)(2), 2; Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of 18 U.S.C. § 111(a)(1) and (b); Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of 18 U.S.C. § 1752(a)(1) & (b)(1)(A); Disorderly and Disruptive Conduct in a Restricted Building or Grounds

with a Deadly or Dangerous Weapon, in violation of 18 U.S.C. § 1752(a)(2) & (b)(1)(A); Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of 18 U.S.C. § 1752(a)(4) & (b)(1)(A); Disorderly Conduct in the Capitol Grounds or Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and Act of Physical Violence in the Capitol Grounds or Buildings, in violation of 40 U.S.C. § 5104(e)(2)(F).

2. On May 18, 2022, the government filed a second superseding indictment against Mr. Ballard, charging him with an additional count of Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1).

3. A status conference is presently scheduled in this matter on November 16, 2022. Undersigned counsel respectfully requests a continuance of this hearing by approximately 30 days for the following reason:

- a. Counsel is scheduled to appear for a murder trial in the matter of *State of Maryland v. Calvin Stevens* – case no: 120070001 beginning on Tuesday, November 15, 2022.

4. This motion is unopposed. Undersigned counsel has discussed this request with Assistant United States Attorney, Barry Disney, who authorized counsel to state that the United States consents to the continuance of the status hearing in this matter.

5. Mr. Ballard consents to the tolling of the speedy trial clock for an

additional 30 days.

Wherefore, for the reasons stated in this motion, undersigned respectfully asks this Court to continue the current status conference by approximately 30 days to a date convenient to the Court and all parties, and exclude that time from the Speedy Trial calculation in this case.

Respectfully submitted,

/s/

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this day, November 10, 2022, a copy of the foregoing was sent to all parties via ECF.

/s/

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Michael E. Lawlor