

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

THOMAS JOHN BALLARD

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CRIMINAL NUMBER 21-553-TFH-1

ORDER

AND NOW, this day of , 2022, upon consideration of the Defendant's Unopposed Motion for Continuance of Trial, it is hereby **ORDERED** that the motion is **GRANTED**. The Court finds that the parties need additional time to determine whether a non-trial disposition can be negotiated and if not the defense needs more time to prepare for trial. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial.

Trial in this matter shall begin on the day of , 2022.

BY THE COURT:

THE HONORABLE THOMAS F. HOGAN
United States District Court Judge

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

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THOMAS JOHN BALLARD

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CRIMINAL NUMBER 21-553-TFH-1

DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE OF TRIAL

Thomas John Ballard, by and through his attorney, Andrew C. Moon, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, respectfully requests a continuance of trial for the above captioned case. As grounds, counsel avers as follows in support of his motion to continue trial for a minimum of ninety (90) days:

1. On August 25, 2021, the undersigned counsel entered his appearance to represent Mr. Ballard.
2. On September 1, 2021, the government filed an indictment against Mr. Ballard, charging him 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).

3. On October 28, 2021, Mr. Ballard was arraigned and entered a plea of not guilty to the indictment.

4. On January 26, 2022, the government filed a superseding indictment against Mr. Ballard. No additional charges were filed in this superseding indictment.

5. On March 28, 2022, Mr. Ballard was arraigned and entered a plea of not guilty to the superseding indictment.

6. 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).

7. The trial is scheduled to commence on August 1, 2022.

8. Discovery is voluminous in this case. The last discovery batch, Discovery Production 15 was received on May 10, 2022. Defense counsel needs additional time to review the discovery materials with Ms. Ballard, conduct necessary investigation and legal research, determine if a non-trial disposition is possible, and otherwise prepare for trial. A continuance of not less than ninety (90) days is respectfully requested.

9. Assistant United States Attorney Barry K. Disney has no objection to this continuance motion.

10. Defense counsel stipulates that the time from the filing of this motion until the trial date is excludable time pursuant to 18 U.S.C. § 3161(h)(7)(A).

WHEREFORE, for the foregoing reasons, the defense respectfully requests that this motion be granted.

Respectfully submitted,

/s/ Andrew C. Moon
ANDREW C. MOON
Assistant Federal Defender

CERTIFICATE OF SERVICE

I, Andrew C. Moon, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I filed the attached Defendant's Unopposed Motion for Continuance of Trial via the Court's Electronic Filing (ECF) system, which sent notification to Barry K. Disney, Assistant United States Attorney, United States Attorney's Office, 1331 F Street NW, Washington, DC 20005, via his email address Barry.Disney@usdoj.gov.

/s/ Andrew C. Moon
ANDREW C. MOON
Assistant Federal Defender

DATE: June 22, 2022