

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

UNITED STATES OF AMERICA :
 :
 :
 v. : **Case No. 21-cr-689 (ABJ)**
 :
THOMAS PATRICK HAMNER, :
 :
 Defendant. :

JOINT STATUS REPORT AND MOTION TO SCHEDULE STATUS CONFERENCE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and Nicholas Smith, counsel for Thomas Patrick Hamner (“the defendant”) hereby submit the following Joint Status Report. The parties also respectfully move the Court to schedule a Status Conference and to exclude the intervening time under the Speedy Trial Act. In support of the Motion, the parties represent:

1. The defendant is before the Court charged in an indictment with: Assaulting, Resisting or Impeding Certain Officers Using a Dangerous Weapon and Aiding and Abetting, in violation of Title 18, United States Code, § 111(a)(1) and (b); Civil Disorder and Aiding and Abetting, in violation of Title 18, United States Code, Section 231(a)(3); Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, § 1752(a)(1) and (b)(1)(A); Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, § 1752(a)(4) and (b)(1)(A); and Act of Physical Violence in the Capitol Building or Grounds, in violation of Title 40, United States Code, § 5104(e)(2)(F) (ECF No. 6).

2. On June 16, 2022, the defendant pled guilty to one count of Civil Disorder and Aiding and Abetting, Count Two of the indictment. On September 23, 2022, the Court sentenced the defendant to, *inter alia*, 30 months incarceration.
3. On October 31, 2022, the Court ordered the parties to submit a status report on or before November 14, 2022 regarding the remaining counts of the indictment.
4. The defendant has rejected the government's plea offer and will elect to proceed to trial on the remaining counts of the indictment. Accordingly, the parties respectfully move the Court to schedule a Status Conference in the matter to discuss scheduling a trial.
5. The parties believe it is in the interest of justice to toll the Speedy Trial Act while the parties await the Status Conference. The parties thus request a tolling of the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A), based on the factors described in 18 U.S.C. 3161(h)(7)(B)(i), (ii), and (iv), as well as 18 U.S.C. § 3161(h)(1)(G).
6. Therefore, the parties request the Court schedule a Status Conference and move for an exclusion of time under the Speedy Trial Act from November 14, 2022, through the scheduled Status Conference.
7. The defendant is in custody.
8. The defendant concurs with this request.

