

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America )  
 )  
 v. ) USDC No. 22-cr-103 (RCL)  
 )  
 John Lammons., *defendant.* )

JOINT MOTION TO CONTINUE STATUS HEARING

Defendant, through undersigned counsel Nathan I. Silver, II, Esq., appointed by this Court under the Criminal Justice Act, respectfully moves the Court, jointly with the United States, to continue the status hearing set for August 5, 2022 at 12:30 o'clock p.m., to a date approximately thirty (30) days hence, convenient with the Court and the parties, for the reasons that follows.

1. Defendant is charged in a four-count criminal information with misdemeanor offenses the government alleges he committed on January 6, 2021, at the United States Capitol. Those offenses are Entering and Remaining in a Restricted Building or Grounds; Disorderly and Disruptive Conduct in a Restricted Building or Grounds; Disorderly Conduct in a Capitol Building; and Parading, Demonstrating, or Picketing in a Capitol Buildings, violations of 18 U.S.C. §§ 1752(a)(1) and (a)(2), and 40 U.S.C. §§5104(e)(2)(D) and (e)(2)(G), respectively.

2. Problems arose with case-specific pretrial discovery materials the government provided to the defendant, via posting on its USAfx cloud-based platform. Three of the four folders of materials have no content. The fourth consists of highly sensitive videos taken by the U.S. Capitol closed-circuit TV recording system. They tell part but not all of the story, and omitted are FBI reports and other documents, which defendant and his counsel have not been

able to review. The government is making efforts to correct the situation and supply the omitted materials.

3. Until the defense can review the materials, it is not possible to conclude plea negotiations, which the parties believe will be successful.

4. In the circumstances, the parties believe that a continuance of forty-five (45) days will be ample for completion of the discovery review and plea negotiations.

A proposed Order is attached.

WHEREFORE, the defendant respectfully moves the Court to grant said relief.

This pleading is,

Respectfully submitted,

/s/

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#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading has been served via ECF on April Ayers-Perez, Esq., United States Department of Justice (USAO-SD Texas ), attorney of record for the government in the instant case, this 28th day of July, 2022.

/s/

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*Nathan I. Silver, II*