

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

UNITED STATES OF AMERICA,

Complainant

-v-

MICHAEL JOHN DILLON,

Defendant.

Criminal Case No. 1:23-cr-00108-TSC

Assigned to the Honorable Tanya
S. Chutkan, District Court Judge

**DEFENDANT MICHAEL JOHN DILLON’S DEMAND AND MOTION
FOR SPEEDY TRIAL STARTING ON JANUARY 8, 2024
AND MEMORANDUM OF LAW**

Defendant MICHAEL JOHN DILLON (“Dillon”), by and through undersigned counsel, hereby respectfully invokes and demands his Constitutional and statutory rights to a speedy trial and demands trial beginning on the date on which it is already set, January 8, 2024, pursuant to the Court’s order and 18 U.S.C. § 3161. There seems to be news discussion of holding trial for Donald J. Trump before the same Court during or around this time, commencing on January 2, 2024; but Dillon insists on a trial as scheduled. Dillon rejects the injection of partisan politics and election interference into his legal rights as a Defendant.

Dillon was charged by complaint on February 7, 2023 and again by Information on April 3, 2023, with the same four misdemeanors. *See* ECF Dkt. # 10. Defendant objects to any further delay beyond January 8, 2024. Michael Dillon is scheduled to begin trial in this Court before the Honorable Tanya S. Chutkan, District Court Judge, on January 8, 2024.

Defendant demands that under his Speedy Trial rights of the U.S. Constitution and the

Speedy Trial Act that his trial be held as scheduled on January 8, 2024. Obviously, Dillon simultaneously asks again and expects the Government to engage fully and promptly in disclosing exculpatory information clearly, understandably, fully, and quickly and not wait until just before January.

On July 25, 2023, the Honorable Judge Tanya S. Chutkan by Minute Order (memorializing a status hearing) set the trial for January 8, 2024, to begin with jury selection at 9:30 AM. In support of that decision, Judge Chutkan excluded the time from the calculation for the Speedy Trial Act from July 24, 2023, through January 8, 2024 “inclusive.”

Yet meanwhile Special Counsel Jack Smith has announced to the world and the Court that he wants to put a different Defendant, in this case former President Donald Trump, on trial before the same judge Tanya S. Chutkan starting on January 2, 2024, even though Michael Dillon’s trial is scheduled to start on January 8, 2024, before the same Judge Chutkan.

It appears that the Special Counsel did not look into the Court’s calendar nor consider the inconvenience of demanding that the Court begin what is sure to be a several-month trial on the day after New Year’s. The *Trump* case will obviously include a tremendous amount of evidence, including many witnesses, and implicates the entirety of the 2020 Presidential election.

Therefore, like the time estimates for the recent Proud Boys trial *United States v. Nordean*, where the actual trial took 3 to 4 times in length what the prosecution had estimated, the prosecution’s estimates of 4-6 weeks for the prosecution’s case in chief is highly likely to turn into 3 probably 4 months of actual trial including easily a week of jury selection in that case, a re-litigation of the entire 2020 election in all of its details in various states, debates over jury instructions for novel uses of statutes, an innumerable number of motions and jury deliberation.

And now it seems there is an *amicus* brief filed by “former judges and attorneys who were appointed by or served as senior legal officials in Republican administrations” who also seek to interfere in Dillon’s trial schedule. See “*Exclusive: Former Republican legal officials endorse special counsel’s speedy trial date proposal in Trump Jan. 6 case,*” <https://www.msn.com/en-us/news/politics/exclusive-former-republican-legal-officials-endorse-special-counsel-s-speedy-trial-date-proposal-in-trump-jan-6-case/ar-AA1fgD24> . They argue for interposing Trump’s trial directly in the midst of Dillon’s proposed trial schedule, claiming “the Nation is entitled to and deserves an expeditious resolution of the criminal prosecution of the former president for his alleged election interference and his prevention of the peaceful transition of power for the first time in American history.” *Id.* at page 6, paragraph 2. “[T]here is a societal interest in providing a speedy trial which exists separate from, and at times in opposition to, the interests of the accused.” *Id.*, citing *Barker v. Wingo*, 407 U.S. 514, 519 (1972); *Gannett Co. v. DePasquale*, 443 U.S. 368, 383 (1979) (“[r]ecogni[zing] . . . an independent public interest in the enforcement of Sixth Amendment” right to a speedy trial in order to serve the “public interest in the efficient administration of justice”); and *Strunk v. United States*, 412 U.S. 434, 439 (1973) (“The desires or convenience of individuals cannot be controlling. The public interest in a broad sense, as well as the constitutional guarantee, commands prompt disposition of criminal charges.”).

Yet none of the arguments or citations allow for a trial to swoop in and “trump” another trial which has already been scheduled – simply because the new case involves a prominent person. Equal justice under the law is the foundational bedrock of American Constitutional law. See *Leeper v. Texas*, 139 U.S. 462 (1891); *Caldwell v. Texas*, 137 U.S. 692 (1891) (writing that no prosecutor or court “can deprive particular persons or classes of persons of equal and

