

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division – Felony Branch

UNITED STATES	:	Case No. 2026 CF2 010237
	:	
v.	:	Judge Todd E. Edelman
	:	
DAVID C. HEARN	:	

ORDER

On July 9, 2026, Defendant David C. Hearn was arraigned on an Indictment charging him with one felony count of Destruction of Property in violation of D.C. Code Section 22-303. The Indictment alleges that Mr. Hearn “maliciously did injure, break and destroy certain property, that is, lining material of the Lincoln Memorial Reflecting Pool, property of the United States government, causing damage in the amount of \$1000 or more.”

Approximately three weeks later, on July 31, 2026, the government filed its Motion to Dismiss the Indictment (“Government’s Motion”). The Government’s Motion describes in considerable detail information the government reportedly learned from the Department of the Interior after the return of the Indictment that “strongly suggest[s] that a rushed and botched installation [of the lining] by AIC, the primary contractor, led to the damage to the lining of the Reflecting Pool,” Gov’t Mot. at 18, and that has led the government to conclude that “it is difficult to attribute the widespread damage to the Reflecting Pool to vandalism, let alone to establish that fact beyond a reasonable doubt,” *id.* at 19. The Government’s Motion asks that the Court dismiss the Indictment against Mr. Hearn, but to do so without prejudice. *Id.* Mr. Hearn’s Response to Government’s Motion to Dismiss the Indictment, filed August 4, 2026, does not oppose the requested

dismissal, but moves that the dismissal be entered with prejudice.¹ Def.'s Response at 1.

Both parties thus agree that the case against Mr. Hearn should be dismissed; they disagree as to the nature of that dismissal. Given the positions of the parties, the Court discerns no reason why this felony case should remain pending against Mr. Hearn while the parties litigate, and the Court resolves, the remaining legal issues.

Accordingly, it is this 6th day of August, 2026 hereby

ORDERED that the Government's Motion to Dismiss the Indictment is GRANTED IN PART; and it is

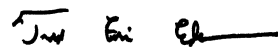
FURTHER ORDERED that this case is DISMISSED; and it is

FURTHER ORDERED that the government's request for a dismissal without prejudice and the Defendant's request for dismissal with prejudice are HELD IN ABEYANCE; and it is

FURTHER ORDERED that the government may file a Reply to the Defendant's Response to Government's Motion to Dismiss the Indictment, not to exceed 15 double-spaced pages, on or before August 18, 2026; and it is

FURTHER ORDERED that the Defendant may file a Sur-Reply, not to exceed 10 double-spaced pages, no more than 7 days after the filing of any government Reply.

The undersigned's chambers will contact counsel to schedule a hearing on the pending motions.



Todd E. Edelman
Associate Judge
(Signed in Chambers)

¹ In the alternative, the defense requests that the Court grant the Defendant's pending Motion for Disclosure of Grand Jury Minutes and Legal Instructions or conduct an *in camera* review of the requested materials before ruling on the Government's Motion. Def.'s Response at 23-25.

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