

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

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) | <b>CRIMINAL ACTION NO.</b> |
|                                  | ) |                            |
| <b>Plaintiff,</b>                | ) | <b>1:21-CR-00119-CJN</b>   |
|                                  | ) |                            |
| <b>v.</b>                        | ) |                            |
|                                  | ) |                            |
| <b>GARRET MILLER,</b>            | ) |                            |
|                                  | ) |                            |
| <b>Defendant.</b>                | ) |                            |
| _____                            | ) |                            |

**MOTION TO DISMISS COUNT 3 OF THE THIRD SUPERSEDING  
INDICTMENT**

Defendant Garret Miller moves to dismiss Count Three of the Third Superseding Indictment. In support of this motion, he sets forth the following facts and argument.

1. This Court previously granted Mr. Miller’s motion to dismiss Count 3 of the Second Superseding Indictment charging a violation of 18 U.S.C. § 1512.

2. On November 2, 2022, the government secured a Third Superseding Indictment. The Third Superseding Indictment, in its Count 3, includes an identical charge alleging Mr. Miller violated 18 U.S.C. § 1512. *See United States v. Miller*, 2022 WL 1718984 (D.D.C. May 27, 2022).

3. Out of an abundance of caution, based upon previous arguments by the parties and this Court’s previous Order, Mr. Miller moves to dismiss Count 3 of the

Third Superseding Indictment.

WHEREFORE, Garret Miller respectfully requests this Court to dismiss Count  
Three of the Third Superseding Indictment

Respectfully submitted,

/s/ F. Clinton Broden  
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Attorney for Defendant  
Garret Miller

**CERTIFICATE OF SERVICE**

I, F. Clinton Broden, certify that on November 8, 2022, I caused the foregoing document to be served by the electronic case filing system (ECF) on all counsel of record.

/s/ F. Clinton Broden  
F. Clinton Broden