

JAMES E. MONROE, ESQ.
DUPEE & MONROE, P.C.
211 Main St., P.O. Box 470
Goshen, New York 10924
Attorneys for Defendant Thomas Webster
Our File # 21020CR

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

| | | |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, | : | Case No. 1:21-CR-208 |
| | : | |
| Plaintiff, | : | ORDER TO SHOW CAUSE |
| | : | FOR CONTEMPT OF |
| v. | : | FEDERAL SUBPOENA |
| | : | |
| THOMAS WEBSTER, | : | |
| | : | |
| Defendant. | : | |
| | : | |

Upon the annexed affidavit of James E. Monroe, Esq. in support of Defendant’s Motion for Holding Non-Party Lieutenant Richard Mantellino and the New York City Police Department in Contempt of a Federal Subpoena, it is hereby ordered that Lieutenant Richard Mantellino and the New York City Police Department in the above-captioned matter appear to show cause on May ____, 2021 at _____ or as soon thereafter as counsel can be heard, at the United States Courthouse for the District of Columbia, 333 Constitution Avenue N.W., Washington, D.C. 20001, why the Court should not hold Lieutenant Richard Mantellino and the New York City Police Department in contempt for failure to respond to a federal subpoena pursuant to Federal Rule of Criminal Procedure 17(g); and it is further

ORDERED, that any answering papers, if any, shall be filed with the Clerk of this Court and served upon the attorneys for the defendant by delivering copies thereof to the offices of Dupee & Monroe, P.C. attention James E. Monroe, Esq., on or before noon on May ____, 2021,

and any reply shall be filed and served by the defendant at the hearing hereto before described by the Court; and it is further

ORDERED, that defendant complete service of process on these non-parties by personal service in the manner prescribed by Federal Rules of Criminal Procedure §§ 49(a)(1) and 49(a)(4). Defendant shall complete service of this Order and any supporting papers upon which this Order is based by May ____, 2021.

Dated: Washington, District of Columbia
May ____, 2021

SO-ORDERED:

HONORABLE AMIT P. MEHTA,
UNITED STATES DISTRICT JUDGE

JAMES E. MONROE, ESQ.
DUPEE & MONROE, P.C.
211 Main St., P.O. Box 470
Goshen, New York 10924
Attorneys for Defendant Thomas Webster
Our File # 21020CR

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

| | | |
|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, | : | Case No. 1:21-CR-208 |
| | : | |
| Plaintiff, | : | AFFIDAVIT IN SUPPORT |
| | : | |
| v. | : | |
| | : | |
| THOMAS WEBSTER, | : | |
| | : | |
| Defendant. | : | |
| | : | |

STATE OF NEW YORK)
)SS.:
COUNTY OF ORANGE)

JAMES E. MONROE, ESQ., being duly sworn, deposes and says:

1. I am a principal of the law firm of Dupee & Monroe, P.C. and have the privilege of representing the defendant, Thomas Webster, in the above-entitled action. I am familiar with the facts and circumstances in this action.
2. This affidavit is respectfully submitted in support of defendant’s Motion to hold Non-Parties Lieutenant Richard Mantellino and the New York City Police Department in contempt of a federal subpoena.
3. These criminal proceedings stem from the alleged actions taken by the defendant at the United States Capitol Building on January 6, 2021.

4. Prior to the date of this incident, Mr. Webster had an impeccable record as both a United States Marine and as a New York City Police Department Officer. Mr. Webster was sworn in as a police officer in 1991, and he retired in 2011. As a product of Mr. Webster's distinguished service, toward the end of defendant's career, he was afforded the privilege of being assigned to then-Mayor Michael Bloomberg's private security detail.

5. Defendant intends to submit relevant portions of his NYPD records to this Court in connection with his appeal of the denial of bail/bond to establish that defendant does not pose a danger to the community if released by this Court. Knowing full well that such records are indispensable to defendant's appeal, our office requested that a subpoena to the New York City Police Department and Lieutenant Richard Mantellino for his NYPD personnel records be So Ordered by this Court. Your Honor, the Honorable Amit P. Mehta, graciously So Ordered this subpoena on April 12, 2021. Exhibit A

6. This So Ordered subpoena was personally served upon the New York City Police Department by Robert Saladin on April 15, 2021. The Affidavit of Service to this effect is attached hereto as Exhibit "B."

7. The subpoena commanded that Lieutenant Richard Mantellino and the New York City Police Department provide Mr. Webster's NYPD personnel records to the office of defendant's counsel on or before April 30, 2021. Exhibit A

8. Having not received any records as of May 4, 2021, my office called the New York City Police Department and was directed to speak with Investigator Tracey Davis, who had been assigned the task of completing Mr. Webster's records request that was the subject of the subpoena. On that date, Investigator Davis stated that she needed until Friday to obtain Mr.

Webster's personnel records and to contact her on May 7, 2021 to ensure that the same had been done.

9. On May 7, 2021, my office again called Investigator Davis, who stated that she did not have Mr. Webster's personnel records on her desk and that she hoped that they would be provided to her at some point. Clearly, the New York City Police Department and Lieutenant Richard Mantellino's records requests department feel no sense of urgency to respond to a So Ordered federal subpoena signed by this Court.

10. Federal Rule of Criminal Procedure 17(g) states that "[t]he court may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district."

11. Your deponent respectfully suggests that Lieutenant Richard Mantellino and the New York City Police Department have no adequate excuse for their failure to comply with the subpoena signed and So Ordered by this Court, and thus they should be held in contempt and treated accordingly. *See, Nilva v. U.S.*, 77 S. Ct. 431, 437-38 (1957).

12. No prior request for the relief requested herein has been made before this or before any other court.

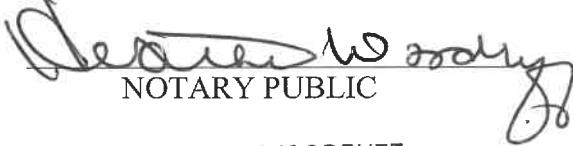
WHEREFORE, the defendant respectfully requests that this Court grant their motion holding Non-Parties Lieutenant Richard Mantellino and the New York City Police Department in contempt of a federal subpoena.

Dated: Goshen, New York
May 11, 2021



JAMES E. MONROE, ESQ.
DUPEE & MONROE, P.C.
Attorneys for Defendant
Office & P.O. Address
211 Main St., P.O. Box 470
Goshen, New York 10924
845-294-8900; 845-294-3619 (Facsimile)
Email: info@dupeemonroelaw.com

Sworn to before me on this
11 day of May, 2021.



NOTARY PUBLIC

HEATHER WOODRUFF
Notary Public, State of New York
No. 01WO4769888
Qualified in Orange County
Commission Expires March 30, 2022

EXHIBIT "A"

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the

District of Columbia



United States of America

Thomas Webster

Defendant

)
)
)
)
)

Case No. 1:21-CR-208

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS IN A CRIMINAL CASE

To: FOIL Unit, Legal Bureau, 1 Police Plaza, Room 110C, New York, New York 10038
Attn: Lt. Richard Mantellino

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

Thomas Webster's entire Personnel File with the New York Police Department, including, but not limited to: 1) disciplinary records, 2) Central Personnel Index records, 3) commendations and/or citations, 4) character and fitness records

| | |
|--|-----------------------------------|
| Place: Dupee & Monroe, P.C. 211 Main Street Goshen, New York 10924 | Date and Time: 04/30/2021 2:00 pm |
|--|-----------------------------------|

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: April 2021

SO ORDERED:



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HON. AMIT P. MEHTA

The name, address, e-mail, and telephone number of the attorney representing (name of party) Thomas Webster, who requests this subpoena, are: Dupee & Monroe, P.C., 211 Main Street, P.O. Box 470, Goshen, New York 10924; jim@dupeemonroelaw.com; (845) 294-8900

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

EXHIBIT "R"

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case (Page 2)

Case No. 1:21-CR-208

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* Lt. Richard Mantellino NYPD FOIL unit
was received by me on *(date)* 04/14/2021.

I served the subpoena by delivering a copy to the named person as follows: _____
NYPD Detective Phillip, Shield Number 7328 at One Police Plaza NY NY in room 110(C)

FOIL unit Legal Bureau on *(date)* 04/15/2021@0730hrs; or

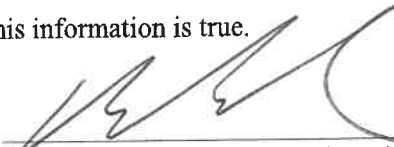
I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 300.00.

I declare under penalty of perjury that this information is true.

Date: 04/15/2021



Server's signature

Robert Saladin Private Investigator
Printed name and title

1 Pine Court Montgomery NY 12549
Server's address

Additional information regarding attempted service, etc.: