

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

UNITED STATES OF AMERICA

vs.

CASE NO: 21-cr-28(APM)

CONNIE MEGGS

**UNOPPOSED MOTION TO ADOPT DEFENDANT CALDWELL'S
MOTION TO DISMISS CASE**

The Defendant, CONNIE MEGGS, through undersigned counsel, files the following Motion to adopt by reference the argument in Counts One, Two and Four of co-defendant Caldwell's Motion to Dismiss, filed at Doc. 240:

1. Defendant Connie Meggs has been charged together with other co-defendants with crimes allegedly committed at the United States Capitol in Washington on January 6, 2021. See Fourth Superseding Indictment, filed May 20, 2021. Doc. 210.

2. Co-defendant Caldwell has filed a Motion for Dismissal of Indictment, which is directly relevant to Counts One, Two and Four of Ms. Meggs' case. See Doc. 240.

3. The defendant requests to adopt these Motions in order to obtain the benefit of the court's rulings without unduly burdening the court and record with unnecessarily duplicative filings and pleadings.

4. Assistant United States Attorney Jeffrey Nestler has no objection to this motion.

MEMORANDUM OF LAW

This Circuit has allowed the adoption by reference of arguments submitted by co-defendants, “but only to the extent [the Court] can readily apply the proponent’s arguments to the adopter’s case.” *United States v. Straker*, 800 F.3d 570, 594 n.5 (D.C. Cir. 2015). The Court in *Straker* addressed the issue of adoption by reference of common appellate issues pursuant to Federal Rule of Appellate Procedure 28(i). *Straker*, *Id.*, at n.1. However, the holding in *Straker* is properly applied to adoption by reference of arguments submitted by co-defendants in district court.

The factual portions of Counts One and Two of the Fourth Superseding Indictment are identically charged to Mr. Caldwell and Ms. Meggs. The argument to dismiss Counts One and Two of the Fourth Superseding Indictment are equally identically charged. The Court’s ruling on Mr. Caldwell’s motion on Counts One and Two will turn on the legal determination whether the allegations in the indictment state a cause of action, the result of which would be directly applicable to Connie Meggs.

As to Count Four, Connie Meggs acknowledges the indictment asserts she entered the Capitol building. However, to the extent the Court’s ruling requires a legal determination whether the Capitol grounds and building constituted a “restricted area” at the time of all the defendants’ presence there, the arguments put forward by Caldwell will apply equally to Connie Meggs.

WHEREFORE, the defendant, CONNIE MEGGS, respectfully requests this

Honorable Court grant this Motion and enter its Order allowing the adoption by reference by Connie Meggs of the argument in Counts One, Two and Four of co-defendant Caldwell's Motion to Dismiss.

RESPECTFULLY SUBMITTED,

/s/Mary K. Anderson
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 30, 2021 I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to counsel for the government.

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PROPOSED ORDER

Connie Meggs' Unopposed Motion to Adopt Co-Defendant Caldwell's Motion to Dismiss is hereby granted.

HONORABLE JUDGE AMIT P. MEHTA