

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NUMBER 21-0150 (TFH)
	:	
JAMES DOUGLAS RAHM, JR.	:	
	:	
Defendant.	:	

ORDER

AND NOW, this day of , 2022, in
consideration of the Defendant's Unopposed Motion for Leave to File Motion to Dismiss Out of
Time, it is hereby **ORDERED** that the Motion is **GRANTED**.

BY THE COURT:

THE HONORABLE THOMAS F. HOGAN
United States District Court Judge

**IN THE UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NUMBER 21-0150 (TFH)
	:	
JAMES DOUGLAS RAHM, JR.	:	
	:	
Defendant.	:	

**DEFENDANT’S UNOPPOSED MOTION FOR LEAVE TO FILE
MOTION TO DISMISS OUT OF TIME**

James Douglas Rahm, Jr., by undersigned counsel, hereby requests leave to file the attached Motion to Dismiss Count One of the Superseding Indictment and states in support thereof:

1. On February 24, 2021, a federal grand jury sitting in the District of Columbia indicted Mr. Rahm with Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. §1512(c)(2) and 2 (Count One); Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1) (Count Two); Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2) (Count Three); Disorderly Conduct in a Capitol Building, in violation of 18 U.S.C. § 5104(e)(2)(D); and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 18 U.S.C. § 5104(e)(2)(G).

2. On May 3, 2022, this Court held a status conference with the parties, during which defense counsel stated to the Court that Mr. Rahm intended to file a motion to dismiss Count One of the Superseding Indictment—the 18 U.S.C. §1512 charge.

3. On May 5, 2022, this Court issued a Second Pre-Trial Order, providing that the parties should file any pre-trial motions on or before June 15, 2022. *See* ECF No. 33.

4. On June 6, 2022, defense counsel and the government discussed pretrial motions, and defense counsel informed the government of its intention to file a motion to dismiss the 18 U.S.C. §1512 charge.

5. On June 13 and 14, 2022, defense counsel filed motions in limine and a notice of affirmative defense. *See* ECF Nos. 35-37. However, by reason of oversight, defense counsel failed to file its Motion to Dismiss Count One of the Superseding Indictment.

6. Counsel undersigned now seeks leave to file the attached Motion to Dismiss out of time. *See* Fed. R. Crim. P. 45(b).

7. The government does not oppose this request. However, Mr. Collyer has informed defense counsel that he will be out of the office the rest of this week, and will need additional time to respond to the motion.

WHEREFORE, the defense respectfully requests leave to file the attached Motion to Dismiss Count One of the Superseding Indictment out of time.

Respectfully submitted,

/s/ Anna Kessler

ANNA KESSLER

Research & Writing Attorney

CERTIFICATE OF SERVICE

I, Anna Kessler, Research & Writing Attorney, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I have served a copy of Defendant's Unopposed Motion for Leave to File Motion to Dismiss Out of Time, by electronic case filing and/or hand delivery, upon Douglas Collyer, Assistant United States Attorney, Gateway Building, 14 Durkee Street, Room 340, Plattsburgh, NY 12901.

Respectfully submitted,

/s/ Anna Kessler

ANNA KESSLER

Research & Writing Attorney

DATE: July 6, 2022