

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

UNITED STATES OF AMERICA

v.

JAMES DOUGLAS RAHM, JR.,

Defendant.

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Case No. 21-cr-150 (TFH)

**UNITED STATES' UNOPPOSED MOTION FOR LEAVE TO FILE RESPONSE OUT
OF TIME**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby requests leave to file a response to Defendant's Notice of Intent to Raise Public Authority Defense. *See* ECF No. 36. In support of the Motion, the government represents:

1. The defendant, James Douglas Rahm, Jr., is charged in a five count Superseding Indictment that was returned on November 10, 2021. The defendant is charged with violating Title 18, United States Code, Sections 1512(c)(2) and 2 (Obstruction of an Official Proceeding and Aiding and Abetting) (Count 1); Title 18, United States Code, Section 1752(a)(1)) (Entering and Remaining in a Restricted Building or Grounds) (Count 2); Title 18, United States Code, Section 1752(a)(2) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds) (Count Three); Title 40, United States Code, Section 5104(e)(2)(D) (Disorderly and Disruptive Conduct in the Capitol Building) (Count Four); and Title 40, United States Code, Section 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building) (Count Five).

2. 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 and responses were due on or before June 29, 2022. *See* ECF No. 33.
3. On June 6, 2022, defense counsel and the government discussed pretrial motions and the trial and defense counsel informed the government of its intention to file a notice of using the public authority defense. At that time, counsel informed the government that it was not decided whether the defense would be pursued at trial, but the notice would be filed, nevertheless.
4. On June 14, 2022, defense counsel filed a Notice of Intent to Raise Public Authority Defense.
5. At the motions hearing on August 15, 2022, the Court noted the government had not responded to the Notice of Intent to Raise Public Authority Defense and the government advised that since defense had not yet decided to affirmatively raise the defense at trial, the government had not contemplated a response to the filing.
6. The government now seeks leave to file the attached Response to Defendant's Notice of Intent to Raise Public Authority Defense out of time. *See* Fed. R. Crim. P. 45(b).
7. Defense counsel does not oppose this request.

Respectfully submitted,

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By:

/s/ Douglas G. Collyer

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