

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

ELIAS COSTIANES,

Defendant.

Case No.: 1:21-cr-00180-RJL-1

MOTION TO COMPEL DISCOVERY

COMES NOW, Elias Costianes, through counsel, pursuant to Rule 16 of the Federal Rules of Criminal Procedure and Local Criminal Rule (LCrR) 16.1 to respectfully request this Honorable Court to compel the United States to produce to the undersigned the names on any news correspondents, reporters, videographers or similar persons who entered the United States Capitol on January 6, 2021, and have not been charged with illegally entering the Capitol because of their status as members of the media. As grounds for this motion counsel would state:

1. The defendant is charged with Obstruction of Congress in violation of 18 U.S.C. §1512(c)(2), Unlawful Entry on Restricted Buildings or Grounds in violation of 18 U.S.C. §1752(a)(1) and (2), and Violent Entry, Disorderly Conduct, and other Offenses on Capitol Grounds in violation of 40 U.S.C. §5104(e)(2)(D) and (G) based on the events of January 6, 2021.

2. The defendant has his own YouTube¹ channel which has been in existence since 2012. He has 9,630 subscribers and his channel has been viewed 2,916,513 times since its inception. The defendant entered the Capitol to film the riot for his “Stop the Steal” videos on his YouTube channel.

¹ YouTube is an American online video sharing and social media platform.

3. Based in information and belief Mr. Luke Mogelson with the New Yorker magazine and Ms. Laura Geisswiler and a videographer with Keep in News Agency were in the Capitol on January 6, 2021 and have not been charged.

4. Counsel is filing a motion to dismiss the indictment based on Mr. Costianes' position as a media person and the names of any media persons who were in the Capitol on January 6, 2021, and have not been charged will be used in support of that motion and a possible motion to dismiss based on selective prosecution.

5. In accordance with LCr.R. 16.1 this request has been made to the United States.

WHEREFORE counsel respectfully requests that this motion be granted.

Dated: April 27, 2022

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