

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

**SUPPLEMENT TO AMENDED
MOTION TO SUPPRESS
STATEMENTS**

COMES NOW, Elias Costianes, through counsel, to supplement his Amended Motion to Suppress Statements (Dkt. #42) with the following additional argument.

IV. Violation of Department of Justice Media Policy.

28 C.F.R. §50.10(f)(1) provides:

(1) No member of the Department shall subject a member of the news media to questioning as to any offense that he or she is suspected of having committed in the course of, or arising out of, newsgathering activities without first providing notice to the Director of the Office of Public Affairs and obtaining the express authorization of the Attorney General. . . .

Although not a member of the traditional broadcast or print media, Mr. Costianes, nevertheless is a member of the media. His YouTube¹ channel has been in existence since October 2, 2012. He has 9,630 subscribers² and his channel

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

² YouTube contributors who have over 1,000 subscribers are considered “Influencers.”

has been viewed 2,916,513 times since its inception.³ He was at the Capitol on January 6, 2021, filming the rally (and later riot) for his “Stop the Steal” segment on YouTube. In the earliest moments of his arrest on February 12, 2021, he advised the agents that he was at the Capitol filming for his YouTube channel. The agents were acting outside the policy dictated by 28 C.F.R. 50.10 and the defendant’s statements should be suppressed.

Dated: April 27, 2022

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³ YouTube contributors are paid based on the number of “views” of their content.

<i>United States v. Elias Costianes</i> Case No. 1:21-cr-00180-RJL-1 Supplement to Amended Motion to Suppress Statements Page 2 STATEMENT SUPPRESS SUPP22/04/27 16:15:54		Joseph R. Conte Law Office of J.R. Conte 400 Seventh St., N.W., #206 Washington, D.C. 20004 Phone: 202.638.4100 Email: dcgunlaw@gmail.com
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