

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
Plaintiff)	
)	Criminal Case 21-CR-28
v.)	
)	Judge Amit P. Mehta
WILLIAM ISAACS)	
Defendant)	

**REPLY TO RESPONSE TO AMENDED MOTION IN LIMINE
TO SUPPRESS AND EXCLUDE ENTIRE PROFFERED EVIDENCE**

Defendant William Isaacs, through the undersigned counsel, hereby files a reply to the Government's response (ECF Doc. 879) to his amended motion filed with this Honorable Court.

As a threshold matter, Mr. Isaacs' counsel has been generous in its characterization of the Government's failure to wisely insert into the proffer letter specific language about a crucial aspect of the proffer session: videotaping. To put it bluntly, the Government was negligent in the very vague and casual manner in which it allegedly obtained *express verbal* consent (via a game day "bait-and-switch) to have a videotaping of the proffer. Nonetheless, we shall continue to be restrained in our description of the Government's conduct.

What is very important for the amended motion is what is undisputed *in this trial*. First, Mr. Isaacs is simply not moved by the Government's actions and a war story from another Stewart Rhodes trial. Second, there is no dispute that this videotaping should have been specifically mentioned in the proffer letter and in the verbal summary of the detailed procedures for the session provided by Government counsel to begin the

proffer. Third, on July 21, 2021, during a time when there was a burgeoning avalanche of written discovery and videos (*over 200 days worth!*), which this writer had described at an early hearing as “drinking water from a fire hydrant,” the Government unfairly criticizes Mr. Isaacs’ counsel for *only* verbally objecting to the release of the videotaping, the second part of which we did not receive until February 23, 2023. Fourth, we respectfully ask this Court to conduct an evidentiary hearing, at which Mr. Isaacs will testify to his understanding (or lack thereof) of whether there was a verbal agreement to have a videotaping. Fifth and last, we cannot stress enough that the use of the video in this trial for any purpose whatsoever would be more than harmless error on appeal based on the strong cases cited in our amended motion.

Again, we ask this Honorable Court to grant the amended motion in limine.

Monday, March 6, 2023

Respectfully submitted,

_____/s/_____
Gene Rossi, Esquire
Virginia Bar Number 93136
Carlton Fields, P.A.
Suite 400 West
1025 Thomas Jefferson Street, NW
Washington, DC 20007-5208
Telephone: 202-965-8119
Email: grossi@carltonfields.com

Natalie A. Napierala, Esquire
New York State Bar Number 2445468
Carlton Fields, P.A.
36th Floor
405 Lexington Avenue
New York, NY 10174-0002
Telephone: 212-785-2747
Email: nnapierala@carltonfields.com

Charles M. Greene
Florida Bar Number 938963
Law Offices of Charles M. Greene, P.A.
55 East Pine Street
Orlando, FL 32801
Telephone: 407-648-1700
Email: cmg@cmgpa.com