

Exhibit 1

From: [Miller, Samantha \(USADC\)](#)
To: [Joseph Conte](#)
Cc: [Rozzoni, Jennifer M. \(USADC\)](#)
Subject: Re: [EXTERNAL] Re: Kenneth Thomas
Date: Friday, November 11, 2022 1:02:48 PM

Ok, thank you. I'll copy you when I reach out to the courtroom deputy.

Have a nice weekend!

Samantha

—
Samantha R. Miller
Assistant United States Attorney
United States Attorney's Office | District of Columbia
Email: samantha.miller@usdoj.gov

On Nov 11, 2022, at 9:08 AM, Joseph Conte <dcgunlaw@gmail.com> wrote:

Ms. Miller:

I spoke to Mr. Thomas this morning. He is still not interested in a plea. I am good mid-March for trial but am looking at setting another January 6 trial mid-April. My February is taken with two other January 6 trials.

I hope you enjoy today's holiday and have a good weekend.

On Fri, Nov 11, 2022 at 6:58 AM Miller, Samantha (USADC)
<Samantha.Miller@usdoj.gov> wrote:

Mr. Conte,

Just checking in/following up, as promised. Any update? I think, if possible, we'd propose a March trial date, beginning on 3/13/23 or later.

Please let us know the latest.

Samantha

—
Samantha R. Miller
Assistant United States Attorney
United States Attorney's Office | District of Columbia
Email: samantha.miller@usdoj.gov

On Nov 9, 2022, at 4:05 PM, Miller, Samantha (USADC)
<SMiller1@usa.doj.gov> wrote:

Mr. Conte,

Nice speaking with you just now. As discussed, the fourth assault we're considering superseding on is captured at on Officer [REDACTED]'s Body Worn Camera at 15:30:49 (AXON BODY 3 X6039BDFA). You can see the police line attempting to keep rioters from running up the steps toward the Capitol, but after they do so with Mr. Thomas, he immediately runs back up the steps and pushes/grabs at Officer [REDACTED].

I'll look out for an email or call from you tomorrow or Friday regarding your discussion with Mr. Thomas re plea. If I don't hear from you, I'll follow up to get some trial dates on Friday or first thing Monday morning, so we can submit to chambers by end of day.

Thank you,

Samantha

—

Samantha R. Miller

Assistant United States Attorney

United States Attorney's Office | District of Columbia

Email: samantha.miller@usdoj.gov

From: Miller, Samantha (USADC)
Sent: Wednesday, November 9, 2022 2:51 PM
To: Joseph Conte <dcgunlaw@gmail.com>; Rozzoni, Jennifer M. (USADC) <JRozzoni@usa.doj.gov>
Subject: RE: [EXTERNAL] Re: Kenneth Thomas

Mr. Conte,

The Court's minute order regarding the plea offer states as follows:
"If the defendant does not accept the governments plea offer at the November 21, 2022 hearing, the parties shall be prepared to set dates for the filing of pretrial motions and a trial. To that end, the parties shall contact the Courtroom Deputy one week before the November 21, 2022 hearing to provide the Court with plea paperwork or to propose three mutually available dates for trial."

Do you have a few moments this afternoon or tomorrow to discuss the status of the case, the Government's potential superseding indictment, and possible trial dates?

Thank you,

Samantha

—

Samantha R. Miller

Assistant United States Attorney

United States Attorney's Office | District of Columbia

Email: samantha.miller@usdoj.gov

From: Miller, Samantha (USADC)
Sent: Tuesday, November 8, 2022 9:15 AM
To: Joseph Conte <dcgunlaw@gmail.com>; Rozzoni, Jennifer M. (USADC) <JRozzoni@usa.doj.gov>
Subject: RE: [EXTERNAL] Re: Kenneth Thomas

Thanks, Mr. Conte, likewise. I'll put something together re notice to the Court and send along, hopefully in the next day or so.

Thanks,

Samantha

—

Samantha R. Miller

Assistant United States Attorney

United States Attorney's Office | District of Columbia

Email: samantha.miller@usdoj.gov

From: Joseph Conte <dcgunlaw@gmail.com>
Sent: Monday, November 7, 2022 7:31 AM
To: Rozzoni, Jennifer M. (USADC) <JRozzoni@usa.doj.gov>
Cc: Miller, Samantha (USADC) <SMiller1@usa.doj.gov>
Subject: [EXTERNAL] Re: Kenneth Thomas

It was nice working with you Ms. Rozzoni. Best of luck to you. Ms. Millier, I look forward to working with you.

Mr. Thomas has rejected the plea offer. We will have to set a trial date at the next status.

I have forwarded a one terabyte hard drive to S.A. Brown. (See attached).

On Fri, Nov 4, 2022 at 4:03 PM Rozzoni, Jennifer M. (USADC) <Jennifer.M.Rozzoni@usdoj.gov> wrote:

Good afternoon, Joe,

I hope this email finds you well. I wanted to write to introduce you to Sam Miller, the AUSA who is going to be taking over this

case moving forward. I'm going to be coming off the detail to head back to my home district of New Mexico at the end of December, so Sam will finish up the case with you all. I've copied her on this email so that you have her contact information. A few items:

1. The deadline to respond to our plea offer was this past Monday, October 31st. Given your lack of response, I'm presuming that Mr. Thomas is rejecting our offer. Can you please confirm?
2. Presuming Mr. Thomas is inclined to go to trial, Judge Friedrich asked that we inform her of the parties intentions (plea or trial) by November 14th. Presuming that Mr. Thomas wants a trial, can we put together a joint notice for your review so that can get it filed with the court by the deadline?
3. I know that I have provided you a significant amount of discovery, though I have now been unable to find the list/correspondence of the exact items I disclosed. Thus, in the next few weeks I am going to re-uploading discovery to USAfx to ensure that we have met all of our discovery obligations.
4. The agent has also requested a one terabyte drive from you to make sure that she provides all of the discovery, including device downloads, for your review. If you could please purchase that and send it to:

SA Alexis Brown, CR-22, 9325 Discovery Boulevard,
Manassas VA 20109
5. Finally, I'm also attaching the latest global discovery letter for your review from November 1, 2022. You should be receiving an invite for the USAfx box, as well.

Should you have any questions at all, please don't hesitate to contact me or Sam.

Thanks,

Jennifer

Jennifer M. Rozzoni

Deputy Chief, Capitol Riot Breach and Assault Unit

United States Attorney's Office

For the District of Columbia

601 D Street, N.W., 5th floor

Washington, D.C. 20005

Desk: 505.224.1460

Cell: 505.350.6818

*Note: I am physically located in the District of New Mexico, but
remotely detailed to the District of Columbia*

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Joseph R. Conte

8251 NW 15th Ct.

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Phone: 202.236.1147

Email: dcgunlaw@gmail.com

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