
From: Emily Lambert
Sent: Tuesday, May 9, 2023 4:13 PM
To: Miller, Samantha (USADC)
Cc: John Pierce; Roger Roots; McCauley, Sean (USADC); Rummens, Brianna (USADC) [Contractor]
Subject: Re: USA v. THOMAS 21-cr-00552-DLF: Mtg Request re Pretrial Matters

We definitely cannot make tonight, as we have multiple other deadlines due, but I will talk to Roger and John and figure out a time tomorrow. I can't promise anything re: stipulations, but I can absolutely cut the exhibit list down to make things more manageable for everyone.

Thank You,
Emily Rutherford

On May 9, 2023, at 4:05 PM, Miller, Samantha (USADC) <Samantha.Miller@usdoj.gov> wrote:

I believe the below are due by 10am. If you really think we can make progress on exhibits such that we can get stipulations entered, which are supposed to be part of the joint statement, we could meet **tonight at 530 or later?** Otherwise, we could meet **pre 730-930am tomorrow morning.** If we can't meet during those times, I think we'll just have to note where we weren't able to make progress re those portions of the joint pretrial statement, but could still make progress tomorrow afternoon for the purposes of trial/telling the Court as much on Thurs.

Due by 10am:

1. Joint Pretrial Statement.
 1. Court's requirements are attached to this email.
2. Binders of exhibits (both parties).
3. Any objections to the non-substantive jury instructions.
4. Any supplemental material re Mr. Hill.

Samantha

—

Samantha R. Miller
Assistant United States Attorney
United States Attorney's Office | District of Columbia
Email: samantha.miller@usdoj.gov
Desk Tel: (202) 252-7014

From: Emily Lambert <elambert@johnpiercelaw.com>
Sent: Tuesday, May 9, 2023 3:54 PM
To: Miller, Samantha (USADC) <SMiller1@usa.doj.gov>

Cc: John Pierce <jpierce@johnpiercelaw.com>; Roger Roots <rroots@johnpiercelaw.com>; McCauley, Sean (USADC) <SMcCauley@usa.doj.gov>; Rummens, Brianna (USADC) [Contractor] <BRummens@usa.doj.gov>
Subject: [EXTERNAL] Re: USA v. THOMAS 21-cr-00552-DLF: Mtg Request re Pretrial Matters

5:30 might be great, although I think we have to have everything to the court by Noon tomorrow correct?

Thank You,
Emily Rutherford

On May 9, 2023, at 3:49 PM, Miller, Samantha (USADC) <Samantha.Miller@usdoj.gov> wrote:

Ok. We noted we're available 12-3 or after 5pm, so if after 5 is best, that's fine with us. Shall we plan on 530?

—

Samantha R. Miller
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From: Emily Lambert <elambert@johnpiercelaw.com>
Sent: Tuesday, May 9, 2023 3:47 PM
To: Miller, Samantha (USADC) <SMiller1@usa.doj.gov>
Cc: John Pierce <jpierce@johnpiercelaw.com>; Roger Roots <rroots@johnpiercelaw.com>; McCauley, Sean (USADC) <SMcCauley@usa.doj.gov>; Rummens, Brianna (USADC) [Contractor] <BRummens@usa.doj.gov>
Subject: [EXTERNAL] Re: USA v. THOMAS 21-cr-00552-DLF: Mtg Request re Pretrial Matters

I'll check with John and Roger, but after 3 pm usually works best for me, as I'm a single mom and I homeschool my three kiddos.

Thank You,
Emily Rutherford

On May 9, 2023, at 3:42 PM, Miller, Samantha (USADC)
<Samantha.Miller@usdoj.gov> wrote:

Ok great. Shall we all plan on trying to meet at 1pm tomorrow for an hour at the USAO? If so, I can send an invite.

—

Samantha R. Miller
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From: Emily Lambert <elambert@johnpiercelaw.com>
Sent: Tuesday, May 9, 2023 3:37 PM
To: Miller, Samantha (USADC) <SMiller1@usa.doj.gov>
Cc: John Pierce <jpierce@johnpiercelaw.com>; Roger Roots <rroots@johnpiercelaw.com>; McCauley, Sean (USADC) <SMcCauley@usa.doj.gov>; Rummens, Brianna (USADC) [Contractor] <BRummens@usa.doj.gov>
Subject: [EXTERNAL] Re: USA v. THOMAS 21-cr-00552-DLF: Mtg Request re Pretrial Matters

Samantha, we would be glad to meet tomorrow sometime. I am currently working on whittling down our exhibit list, and should have a vastly smaller/more manageable one for you by tomorrow morning as soon as I work through my hesitation about which things we can live without. Thanks for reaching out.

Thank You,
Emily Rutherford

On May 9, 2023, at 3:32 PM, Miller,
Samantha (USADC)
<Samantha.Miller@usdoj.gov> wrote:

Mssrs. Pierce and Roots,

Please see below for some follow-up on pre-trial matters.

1. **Joint Pre-Trial Statement**

First, pursuant to the Court's request, attached please find a draft joint statement of the case, which is nearly identical to the one filed in *Alberts*. Please let us know if we have your sign-off, so we can provide to the Court prior to tomorrow morning's deadline.

2. **Meeting Request re Exhibits**

Second, pursuant to the Court's less-than-subtle request, we are writing to see whether you have time to sit down at our Office (or by Zoom if absolutely necessary) to discuss exhibits.

Because I can see you have not yet downloaded any of the Government's proposed exhibits for trial, I take it you have not had time to review any of them. In an effort to avoid wasting the Court's time on Thursday, I propose we walk you through what's on the Government's exhibit list, so we can at least attempt to whittle down the number of objections the jury will have to sit through. Save for one exhibit (the USCP montage video), all of our video exhibits either (1) include, expressly, Mr. Thomas, or (2) were taken and posted by him one of his social network/websites. To that end, we have re-attached the proposed stipulations we have previously provided you, but they have been updated to include actual exhibit numbers, etc. Even if you do not wish to enter all of these stipulations, we (and I'm sure Court) look forward to hearing from you if there are any you would be willing to enter.

In addition, we would be more than happy to do the same for you: for you to walk through a whittled down list of your exhibits, if you have a better sense of which of the 450 exhibits you actually plan on using. As I said on the record yesterday: we will not likely object/have any issue with you showing other videos than the ones we have, as long as it's at/near the defendant at around the time he was there.

We are available this evening to meet, as well as tomorrow from about 12-3pm, or after 5.

3. **USCP Directive 1020.004**

Much like the other USCP policies previously provided, and as the Court noted on the record yesterday, we do not believe these materials are relevant and will object at trial on that basis, among others. However, we believe the attached is what you were looking for.

Thanks,

Samantha

—

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