From: Emily Lambert
Sent: Wednesday, May 10, 2023 11:52 AM
To: Miller, Samantha (USADC); Roger Roots; John Pierce
Cc: McCauley, Sean (USADC); Rummens, Brianna (USADC) [Contractor]
Subject: RE: Response Requested: USA v. THOMAS 21-cr-00552-DLF - Joint Pretrial Statement (attached)

And here is the USAFx link to the files
https://usafx.box.com/s/fid7o17r8k3kr1s8dd0hr7a9utxquotl

Respectfully,
Em Lambert
Client Advocate
John Pierce Law
P: (662) 665-1061
21550 Oxnard Street
3rd Floor PMB #172
Woodland Hills, CA 91367

JOHN PIERCE LAW

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From: Miller, Samantha (USADC)
Sent: Wednesday, May 10, 2023 6:59 AM
To: Roger Roots; Emily Lambert; John Pierce
Cc: McCauley, Sean (USADC); Rummens, Brianna (USADC) [Contractor]
Subject: Re: Response Requested: USA v. THOMAS 21-cr-00552-DLF - Joint Pretrial Statement (attached)

Ok, if we don't hear from you on anything else by 9, we'll finalize and send to the Court.

—
Samantha R. Miller
Assistant United States Attorney
United States Attorney's Office | District of Columbia
Email: samantha.miller@usdoj.gov
Tel: (202) 527-1814

From: Roger Roots <rroots@johnpiercelaw.com>
Sent: Wednesday, May 10, 2023 6:31:16 AM
To: Miller, Samantha (USADC) <SMiller1@usa.doj.gov>; Emily Lambert <elambert@johnpiercelaw.com>; John Pierce <jpierce@johnpiercelaw.com>
Cc: McCauley, Sean (USADC) <SMcCauley@usa.doj.gov>; Rummens, Brianna (USADC) [Contractor]

<BRummens@usa.doj.gov>
Subject: [EXTERNAL] RE: Response Requested: USA v. THOMAS 21-cr-00552-DLF - Joint Pretrial Statement (attached)

I think we are fine with the joint pretrial statement drafted by the government. I hadn't seen that when I sent my proposal.
--Roger

Sent from Mail for Windows

From: Miller, Samantha (USADC)
Sent: Wednesday, May 10, 2023 1:33 AM
To: Emily Lambert; Roger Roots; John Pierce
Cc: McCauley, Sean (USADC); Rummens, Brianna (USADC) [Contractor]
Subject: Re: Response Requested: USA v. THOMAS 21-cr-00552-DLF - Joint Pretrial Statement (attached)

All,

The tone of the email was not intended to be nasty at all, and I'm sorry you took it the way. Some of these issues are easier to discuss on the phone, which is why I tried calling John last night.

But, my email was intended to be factual: it's not clear or particularly logical why you'd agree to this identical format in one case one month ago, which simply states what's in the indictment, but then suggest something more limited in the next, which is a version that does not state what the case is about in its entirety.

As for your stipulation/redundancy email, Mr. Roots, if you'd like to discuss in the morning, we can, but I'm not following what the suggestion is or how any redundancy is different from those alleged in your multiplicity motion to dismiss that was denied.

As for exhibits, we're still happy to sit down tomorrow if we think it will be fruitful.

Thank you,

Samantha

—
Samantha R. Miller
Assistant United States Attorney
United States Attorney's Office | District of Columbia
Email: samantha.miller@usdoj.gov
Tel: (202) 527-1814

From: Emily Lambert <elambert@johnpiercelaw.com>
Sent: Wednesday, May 10, 2023 12:11:33 AM

To: Miller, Samantha (USADC) <SMiller1@usa.doj.gov>; Roger Roots <rroots@johnpiercelaw.com>; John Pierce <jpierce@johnpiercelaw.com>
Cc: McCauley, Sean (USADC) <SMcCauley@usa.doj.gov>; Rummens, Brianna (USADC) [Contractor] <BRummens@usa.doj.gov>
Subject: [EXTERNAL] RE: Response Requested: USA v. THOMAS 21-cr-00552-DLF - Joint Pretrial Statement (attached)

Well, judging by the tone of your email, I'm not sure we will make any headway at all Samantha. I am currently and have vastly reduced our exhibits, but frankly, your nasty emails late at night surely don't make any of us feel like a face to face meeting is going to be conducive.

Respectfully,
Em Lambert
Client Advocate
John Pierce Law
P: (662) 665-1061
21550 Oxnard Street
3rd Floor PMB #172
Woodland Hills, CA 91367

This message, including attachments, is confidential and may contain information protected by the attorney-client privilege or work product doctrine. If you are not the addressee, any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this email in error, please destroy it and notify me immediately.

From: Miller, Samantha (USADC)
Sent: Wednesday, May 10, 2023 12:00 AM
To: Roger Roots; John Pierce; Emily Lambert
Cc: McCauley, Sean (USADC); Rummens, Brianna (USADC) [Contractor]
Subject: Re: Response Requested: USA v. THOMAS 21-cr-00552-DLF - Joint Pretrial Statement (attached)

Mr. Roots,

Respectfully, no. You agreed to something identical to the proposal we provided in your last trial Alberts (ECF 98), and that's what the judge is expecting here. It's what we provide in all cases where the judge asks for it, January 6 or otherwise. It simply tracks the indictment itself.

Suggestions like these are what I mean by not wasting time - if you're going to make these kinds of time-wasting suggestions in a face-to-face meeting, let's not. We're all plenty busy.

We'll wait until 9am on the rest.

Thanks,

Samantha

—
Samantha R. Miller
Assistant United States Attorney
United States Attorney's Office | District of Columbia
Email: samantha.miller@usdoj.gov
Tel: (202) 527-1814

From: Roger Roots <rroots@johnpiercelaw.com>
Sent: Tuesday, May 9, 2023 11:52:23 PM
To: Miller, Samantha (USADC) <SMiller1@usa.doj.gov>; John Pierce <jpierce@johnpiercelaw.com>; Emily Lambert <elambert@johnpiercelaw.com>
Cc: McCauley, Sean (USADC) <SMcCauley@usa.doj.gov>; Rummens, Brianna (USADC) [Contractor] <BRummens@usa.doj.gov>
Subject: [EXTERNAL] RE: Response Requested: USA v. THOMAS 21-cr-00552-DLF - Joint Pretrial Statement (attached)

As far as the joint pretrial statement, how about something like this?

This is case stems from the events of January 6, 2021 around the United States Capitol. The United States accuses Mr. Kenneth Joseph Thomas of Ohio of a dozen crimes stemming from Thomas' participation in the events. Among other things, Mr. Thomas is accused of resisting officers, obstructing an official proceeding, assaulting officers, and disorderly conduct. Thomas denies these charges.
--Roger

Sent from Mail for Windows

From: Miller, Samantha (USADC)
Sent: Tuesday, May 9, 2023 8:11 PM
To: John Pierce; Emily Lambert
Cc: Roger Roots; McCauley, Sean (USADC); Rummens, Brianna (USADC) [Contractor]
Subject: Re: Response Requested: USA v. THOMAS 21-cr-00552-DLF - Joint Pretrial Statement (attached)

John,

I just tried your cell, but what I mean is that there's no point in meeting, and using either side's own time doing so, if the defendant has no intention of coming to any agreement to avoid wasting time on objections at trial, i.e., some joint exhibits, given many of yours I believe are the same as ours, entering certain stipulations, or discussing a more realistic set of defense exhibits.

Hope this helps clarify, and feel free to call me at my point if chatting would be easier.

Thanks,

Samantha

—
Samantha R. Miller
Assistant United States Attorney
United States Attorney's Office | District of Columbia
Email: samantha.miller@usdoj.gov
Tel: (202) 527-1814

From: John Pierce <jpierce@johnpiercelaw.com>
Sent: Tuesday, May 9, 2023 7:46:20 PM
To: Miller, Samantha (USADC) <SMiller1@usa.doj.gov>; Emily Lambert <elambert@johnpiercelaw.com>
Cc: Roger Roots <rroots@johnpiercelaw.com>; McCauley, Sean (USADC) <SMcCauley@usa.doj.gov>; Rummens, Brianna (USADC) [Contractor] <BRummens@usa.doj.gov>
Subject: [EXTERNAL] Re: Response Requested: USA v. THOMAS 21-cr-00552-DLF - Joint Pretrial Statement (attached)

What do you mean, "let's not waste our own time?"

Get Outlook for iOS

From: Miller, Samantha (USADC) <Samantha.Miller@usdoj.gov>
Sent: Tuesday, May 9, 2023 7:27 PM
To: Emily Lambert <elambert@johnpiercelaw.com>
Cc: John Pierce <jpierce@johnpiercelaw.com>; Roger Roots <rroots@johnpiercelaw.com>; McCauley, Sean (USADC) <Sean.McCauley@usdoj.gov>; Rummens, Brianna (USADC) [Contractor] <Brianna.Rummens@usdoj.gov>
Subject: Response Requested: USA v. THOMAS 21-cr-00552-DLF - Joint Pretrial Statement (attached)

Ms. Lambert and Gentlemen,

Attached please find the full draft pre-trial statement, which includes the joint statement of the case we proposed in my earlier email. I've highlighted in yellow the items that the defendant needs to address. Please let us know if you'd like to meet first thing tomorrow morning. If we don't hear back from you on any of this before 9am, we'll plan to provide these materials to the Court as-is.

As noted earlier, we'd still be willing to meet to discuss stipulations/exhibits prior to Thursday morning, if we think it will be fruitful in avoiding unnecessary objections and time wasted at trial. If you do not believe it will be fruitful, which is the defendant's right, let's not waste our own time.

Thanks,

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 4:13 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

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
> 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 3:47 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
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 3:37 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

—

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