

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

**v.**

**KENNETH JOSEPH OWEN THOMAS,**

**Defendant**

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**Criminal Case No.**

**1:21-cr-00552 (CRC)**

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**MOTION OF KENNETH JOSEPH OWEN THOMAS  
FOR ENLARGEMENT OF TIME TO FILE MOTION ON BRADY VIOLATIONS  
AND LEAVE TO FILE AMENDED MOTION**

Defendant KENNETH JOSEPH OWEN THOMAS (“Thomas”), through the undersigned counsel, Roger I. Roots, Esq., hereby moves the Court to allow an amended motion for dismissal for Brady violations by 9 PM this evening (May 20). Just in the past few hours, counsel for Thomas has learned that a prosecution witness in Thomas’ trial (Officer Campanale) testified some two weeks ago in a rival trial before Judge Walton against two individuals (Smith and Wren) who were standing in the immediate vicinity of Thomas on January 6 during the alleged assault on Corporal Ainsworth. Upon information and belief, Campanale may have testified that Smith and Wren were the true perpetrators of the assault on Ainsworth. And, significantly, the United States has not provided the available transcript to Thomas’ defense.

Obviously this is a serious Jencks (and likely Brady) violation. It may also implicate Ainsworth’s “100% certainty” testimony as well.

There are other rapidly emerging issues regarding late discovery and late disclosure.

Thomas’ team has haphazardly thrown together a motion to dismiss (just now filed). However, these rapidly emerging developments lead Thomas’ defense team to request an

additional 12 hours to file an amended Brady and Jencks motion, by 9 PM this evening.

## CONCLUSION

The Court is asked to enlarge the time until 9:00 PM tonight, May 20, 2023, and to grant leave for Defendant to improve and amend his motion up until that time.

Dated: May 20, 2023

RESPECTFULLY SUBMITTED  
**KENNETH JOSEPH OWEN THOMAS,**

*By Counsel*

\_\_\_\_\_/s/\_\_\_\_\_  
Roger Root, Esq.  
John Pierce Law Firm  
21550 Oxnard Street  
3<sup>rd</sup> Floor, PMB #172  
Woodland Hills, CA 91367  
Tel: (213) 400-0725  
Email: [jpierce@johnpiercelaw.com](mailto:jpierce@johnpiercelaw.com)  
Attorney for Defendant

## **CERTIFICATE OF SERVICE**

I hereby certify that this document is being filed on this May 20, 2023, with the Clerk of the Court by using the U.S. District Court for the District of Columbia's CM/ECF system, which will send an electronic copy of to the following CM/ECF participants. From my review of the PACER account for this case the following attorneys are enrolled to receive notice and a copy through the ECF system.

MATTHEW M. GRAVES  
United States Attorney  
D.C. Bar No. 481052

SAMANTHA R. MILLER  
Assistant United States Attorney  
New York Bar No. 5342175  
United States Attorney's Office  
601 D Street, NW  
Washington, DC 20530  
[Samantha.Miller@usdoj.gov](mailto:Samantha.Miller@usdoj.gov)

SEAN P. McCAULEY  
Assistant United States Attorney  
New York Bar No. 5600523  
United States Attorney's Office  
For the District of Columbia  
601 D. Street, NW  
Washington, DC 20530  
[Sean.McCauley@usdoj.gov](mailto:Sean.McCauley@usdoj.gov)

\_\_\_\_\_/s/\_\_\_\_\_  
Roger Root, Esq.