

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

<b>THE UNITED STATES OF AMERICA</b>	§	
	§	
vs.	§	<b>CAUSE NO.: 1:22-CR-15</b>
	§	
<b>ELMER STEWART RHODES, III</b>	§	

**DEFENSE REQUEST TO EXTEND BY 30 DAYS THE DEADLINE FOR FILING  
RULE 12 (b) MOTIONS**

COME NOW PHILLIP LINDER and JAMES LEE BRIGHT, Counsel for Elmer Stewart Rhodes, and on behalf of all defendants in *United States v. Rhodes*, and respectfully request that the deadline for filing Rule 12(b) motions, which is currently March 28, 2022, be extended for thirty (30) days, and in support states:

1. The Government, per AUSA Kathryn Rakoczy, does not object to the instant request in regards to Motions filed regarding 12(b)(3)(C) issues. However, AUSA Rakoczy has expressed a concern as to Motions filed regarding 12(b)(3)(A),(B) and (D) issues, in that if continued for 30 days, the government’s responses and then the defense counsel’s replies would not be due until mid to late May, which is nearing the initial trial date of July 11, 2022.
2. The trial dates for the *Rhodes* defendants are tentatively set for July 11, 2022 and September 26, 2022. Extending the motions deadline thirty days, with a commensurate extension for the Government’s reply, should not affect either trial date.
3. This motion is made on behalf of all *Rhodes* defendants, who all concur, that because of the sheer volume of discovery, it will be impossible to file appropriate motions by the current deadline.

4. All counsel continue to diligently review the discovery, which is necessary to determine what, if any, motions are appropriate to file with the Court.
5. To date, Counsel for Rhodes have received two hard drives of discovery which contain a total of 4.25 terabytes of discovery containing tens of thousands of videos and hundreds of thousand pages of documents. In addition, Evidence.com contains 24,261 videos and the Relativity discovery platform contains 34, 095 documents and videos.
6. Many counsel have just recently been able to access and use the Relativity database and receive the training provided by the Federal Defender.
7. Finally, the government is still doing data dumps of electronic devices recently seized from Rhodes and Vallejo and uploading additional evidence to the two platforms.

Wherefore the *Rhodes* defendants respectfully request that the Court grant a 30-day extension for the filing of Rule 12(b) motions.

RESPECTFULLY SUBMITTED,

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*ATTORNEYS FOR DEFENDANT*

**CERTIFICATE OF CONFERENCE**

I certify that on March 18, 2022, I conferred with AUSA Kathryn Rakoczy, counsel for the government, regarding this Motion. As stated above in paragraph one, she is agreeable to this request only in a limited format.

/s/ PHILLIP A. LINDER  
*ATTORNEY FOR DEFENDANT*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the attached pleading was served on the Assistant United States Attorney Kathryn Rakoczy via ECF on March 18, 2022.

/s/ PHILLIP A. LINDER  
*ATTORNEY FOR DEFENDANT*