

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

KELLY MEGGS

ACCUSED

*Styled as USA v. STEWART RHODES, et al.  
incorporating cases against multiple Defendants*

Criminal Case No.

1:22-cr-00015-APM

Assigned to the Honorable Amit  
Mehta, District Court Judge

**DEFENDANT KELLY MEGGS’**  
**NOTICE OF JOINING THOMAS CALDWELL’S**  
**MOTION TO DISMISS COUNTS 1, 2, 3, & 4 OF THE INDICTMENT**

COMES NOW Defendant Kelly Meggs, by counsel,<sup>1</sup> and hereby joins in Defendant Thomas Caldwell’s “MOTION TO DISMISS COUNTS 1, 2, 3, & 4 OF THE INDICTMENT” by David Fischer, Esq., with regards to Thomas Caldwell’s motion to dismiss Count I and Count IV of the Seventh Superseding Indictment (hereinafter “7thS.I.”).

With a looming April 15, 2022, deadline for Rule 12 motions and uncertainty as to when he will be able to file this Notice, Counsel for Meggs has been able to review the Motion to Dismiss being filed, and determine Meggs’ position thereon.

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<sup>1</sup> Although Kelly Meggs is seeking successor counsel, until such time or until relieved, counsel still has the duty to advance and preserve Kelly Meggs’ legal rights and position, including to make sure that no deadlines or opportunities are sacrificed during a transition, including when a successor counsel has to take over. The Court has evidently set a deadline for motions under Rule 12 of the Federal Rules of Criminal Procedure for this Friday, April 15, 2022. However, this does necessitate filing this pleading while or before Thomas Caldwell is filing his own Motion to Dismiss.

At the status conference April 8, 2022, the Honorable Amit Mehta, District Court Judge, specifically gave instructions as to how co-Defendants should note their joining in other motions by simple notice rather than by motion or otherwise, and that it would be important for co-Defendants to actually do so to make the record clear as to who was moving the Court by joining in co-Defendants' motions.

However as much as Kelly Meggs, by counsel respects, appreciates, and endorses in principle Caldwell's motion to dismiss Counts II and III, Kelly Meggs by his prior counsel David Wilson, Esq., had previously filed a Motion to Dismiss by Kelly Meggs with regard to the previous incarnations of what is now Counts II and III from previous indictments. The Court denied that motion with regard to Kelly Meggs and Kelly Meggs received a decision.

Kelly Meggs' exceptions and objections were assumed by the Court, and Kelly Meggs by later counsel may appeal the denial of the motion to dismiss what is now Counts II and III. Kelly Meggs does object and note his exceptions and believes that his own Motion to Dismiss should have been granted and hopes that Thomas Caldwell's motion is granted now.

Therefore, having had his own motion previously decided waits for the chance to appeal if relevant after trial. Reluctantly, Meggs joins only in Caldwell's motion to dismiss Counts I and IV of the 7thS.I.

Furthermore, though Meggs by counsel is also filing supplemental arguments to add to Caldwell's motion to dismiss.

Dated: April 7, 2022

RESPECTFULLY SUBMITTED  
KELLY MEGGS, *By Counsel*

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2022, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following CM/ECF participants. From my review of the PACER / ECF docket records for this case that the following attorneys will receive notice through the ECF system of the U.S. District Court for the District of Columbia.

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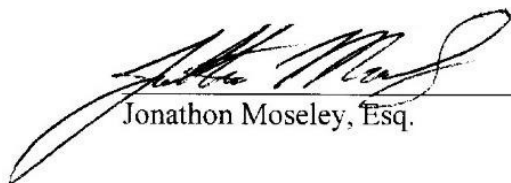
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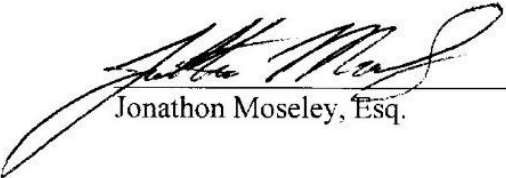
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