

**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'**

**MOTION TO DISMISS COUNT I OF THE INDICTMENT**

COMES NOW Defendant Kelly Meggs, by counsel, and hereby moves the Court with these additional arguments supplemental to the Defendant's Thomas Caldwell's "MOTION TO DISMISS COUNTS 1, 2, 3, & 4 OF THE INDICTMENT" by David Fischer, Esq., in which Kelly Meggs joins with regards to Thomas Caldwell's motion to dismiss Count I 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.

Meggs, by counsel, joins in the motion to dismiss being filed by Thomas Caldwell.

However Meggs by counsel is also filing this supplemental arguments to add to Caldwell's

motion to dismiss.<sup>1</sup>

ORAL ARGUMENT LIMITED TO SUCCESSOR COUNSEL

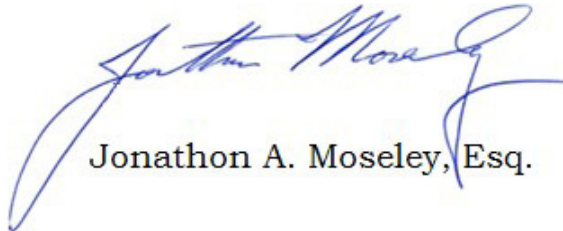
Unless successor counsel is available by then, Kelly Meggs waives oral argument. Kelly Meggs reserves the opportunity for successor counsel to request oral argument.

CONSULTATION

Defendant, by Kelly Meggs, understands that advance consultation is not required for a dispositive motion such as a motion to dismiss as the Government's opposition is presumed.

Dated: April 10, 2022

RESPECTFULLY SUBMITTED  
KELLY MEGGS, *By Counsel*



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**CERTIFICATE OF SERVICE**

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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.

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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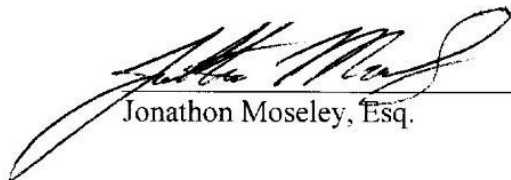
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