

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

UNITED STATES OF AMERICA

V.

ELMER STEWART RHODES, III,

Defendant.

Case No. 1:22-cr-00015-APM

**MOTION OF DEFENDANT ELMER STEWART RHODES FOR DISCLOSURE OF
BRADY EXCULPATORY INFORMATION AND ISSUANCE OF SUBPOENAS DUCES
TECUM CONCERNING WITNESSES TO BE CALLED BY THE PROSECUTION**

Defendant Elmer Stewart Rhodes, III, (“Rhodes”) by undersigned counsel, hereby moves the Court to grant his “Motion Of Defendant Elmer Stewart Rhodes For Disclosure Of Brady Exculpatory Information And Issuance Of *Subpoenas Duces Tecum To Witnesses Expected To Be Called By The Prosecution*” pursuant to his constitutional rights, civil rights, and rights at law.

Defendant requests the issuance of *Subpoenas Duces Tecum* to the following:

- 1) Oath Keepers member and former co-Defendant William Todd Wilson
- 2) Oath Keepers member and former co-Defendant Jason Dolan
- 3) Oath Keepers member and former co-Defendant Joshua James
- 4) Oath Keepers member and former co-Defendant Caleb Berry
- 5) Oath Keepers member and former co-Defendant Brian Ulrich
- 6) Oath Keepers member and former co-Defendant Mark Grods

for any and all text messages, emails, chat messages, letters, notes or other correspondence – if not privileged – made up to four (4) months prior to pleading guilty and up to one (1) month following pleading guilty, directly concerning or related to the witnesses’ decision to pled guilty, testify to an account of events in this case different than his or her previous account, comments or assurances that he or she is in fact not guilty despite pleading guilty, and/or a decision to testify falsely in this case in order to get the benefits of a plea bargain.

The subpoena must affirmatively require each witness to obtain their text messages, emails, chat messages or other communications from the appropriate communications company, service provider, and/or their own smart phone (even if in the hands of the Government at the moment) or computer or paper records. Any entirely unrelated messages or communications should not be disclosed and shall remain sealed and confidential.

Counsel for the Defendant contacted the U.S. Attorney’s Office to ask for their position on whether they would agree or oppose this motion, in whole or in part, or agree to part of the relief; and they are opposed.

Oral argument is requested.

Dated: September 19, 2022

Respectfully Submitted,

/s/ Edward L. Tarpley Jr. _____
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*Counsel for Defendant,
 Elmer Stewart Rhodes III*

CERTIFICATE OF SERVICE

On September 19, 2022 the undersigned hereby certifies that a true and correct copy of the foregoing was electronically filed and served via the CM/ECF system, which will automatically send electronic notification of such filing to all registered parties.

/s/ Edward L. Tarpley, Jr
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