

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

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

MOTION TO NOT TRANSFER DEFENDANT

COME NOW PHILLIP LINDER and JAMES LEE BRIGHT, attorneys for Elmer Stewart Rhodes in the above referenced cause number and request this Court to order the United States Marshal's Service to leave Mr. Rhodes in the Fannin County Detention Center, where he currently resides, provided Mr. Rhodes is not released from custody at the upcoming Motion to Reconsider.

I.

Counsel for Mr. Rhodes hope that he will be released from custody on the upcoming Motion to Reconsider. However, if he is not released from custody and Counsel for Mr. Rhodes have to prepare for the July 11, 2022 trial with Mr. Rhodes in custody, it would be much easier for Counsel to prepare and be ready for the impending trial date with Mr. Rhodes incarcerated in his current facility. It would also be much more economical.

II.

If Mr. Rhodes were to be transferred to a Washington, D.C. area jail facility, Counsel would have a much more difficult time being ready for the July 11, 2022 trial date. In addition, it would be a great deal more expensive for Counsel to have to travel to and from Washington, D.C. multiple times over the next six months while preparing for trial.

III.

Further, if Mr. Rhodes were to be allowed to stay in the North Texas Region while his case is pending trial, he personally would be able to aid his attorneys in a much greater sense than if he were to be transferred over a thousand miles away.

WHEREFORE, Counsel for ELMER STEWART RHODES prays that this Court enter an Order granting our Request to Not Transfer Defendant from his current facility.

RESPECTFULLY SUBMITTED,

/s/ PHILLIP A. LINDER
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF CONFERENCE

I certify that I conferred with Kathryn Rakoczy, counsel for the government regarding this Motion which she does not oppose.

/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 January 28, 2022.

/s/ PHILLIP A. LINDER
ATTORNEY FOR DEFENDANT