

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF COLUMBIA

|                          |   |                           |
|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA | § |                           |
|                          | § |                           |
| V.                       | § | CAUSE NO. 21-CR-40-08-TNM |
|                          | § |                           |
| STEVEN PHILLIP CAPPuccio | § |                           |

MOTION TO ADOPT AND JOIN DAVID JUDD’S MOTION TO COMPEL DISCOVERY IN  
SUPPORT OF CLAIM OF SELECTIVE PROSECUTION AND HIS REPLY

The defendant, STEVEN PHILLIP CAPPuccio, through counsel, respectfully requests that the Court allow him to adopt and join co-defendant David Judd’s Motion to Compel Discovery in Support of Claim of Selective Prosecution and his Reply. ECF No. 138, 157. To the extent that the motion is fact-specific to Mr. Judd, the legal analysis applies equally to Mr. Cappuccio who is charged with violating the same statutes as Mr. Judd and whose alleged conduct is generally similar in nature to Mr. Cappuccio’s.

Like Mr. Judd who is charged in Count 16, Mr. Cappuccio, in Count 28 is charged with assaulting, resisting, or impeding certain officers and aiding and abetting in violation of 18 U.S.C. § 111(a)(1) and (b). ECF No. 102. Similarly, to Mr. Judd in Count 22, Mr. Cappuccio is also charged in Count 29 with assaulting, resisting, or impeding certain officers using a dangerous weapon in violation of 18 U.S.C. § 111(a)(1) and (b). *Id.*

The purpose of this motion is to simplify procedures and eliminate delay in accordance with

Fed. R. Crim. P. 2.

Respectfully submitted,

MAUREEN SCOTT FRANCO  
Federal Public Defender

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**CERTIFICATE OF SERVICE**

I, Marina-Thais Douenat, Assistant Federal Public Defender for the Western District of Texas, hereby certify that on the 26th day of October 2021 filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ MARINA-THAIS DOUENAT  
Assistant Federal Public Defender