

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 22-cr-15 (APM)
	:	
v.	:	
	:	
ELMER STEWART RHODES III,	:	
	:	
KELLY MEGGS,	:	
	:	
KENNETH HARRELSON,	:	
	:	
JESSICA WATKINS,	:	
	:	
ROBERTO MINUTA,	:	
	:	
JOSEPH HACKETT,	:	
	:	
DAVID MOERSCHEL,	:	
	:	
THOMAS CALDWELL, and	:	
	:	
EDWARD VALLEJO,	:	
	:	
Defendants.	:	

**UNITED STATES’ MOTION FOR EXTENSION OF DEADLINE
TO REPLY TO DEFENDANTS’ OPPOSITION TO GOVERNMENT’S 404(b) NOTICE**

The United States respectfully requests a one-week extension of the August 5 deadline for filing replies to the defendants’ oppositions to the government’s 404(b) notice.

Elmer Stewart Rhodes, Kelly Meggs, Kenneth Harrelson, Jessica Watkins, Roberto Minuta, Joseph Hackett, David Moerschel, Thomas Caldwell, and Edward Vallejo have been charged by indictment for their participation in a plot to use force to oppose the authority of the Government of the United States and to prevent, hinder, or delay the execution of specific laws and provisions of the Constitution of the United States governing the transfer of presidential power.

The indictment charges all defendants with seditious conspiracy, in violation of 18 U.S.C. § 2384 (Count One); conspiracy to obstruct an official proceeding, in violation of 18 U.S.C. § 1512(k) (Count Two); obstruction of an official proceeding, in violation of 18 U.S.C. § 1512(c)(2) (Count Three); and conspiracy to use force, intimidation, or threats to prevent officers of the United States from discharging their duties, in violation of 18 U.S.C. § 372 (Count Four). ECF No. 167. Some defendants were additionally charged with destruction of government property and aiding and abetting, in violation of 18 U.S.C. §§ 1361 and 2; civil disorder and aiding and abetting, in violation of 18 U.S.C. §§ 231(a)(3) and 2; and tampering with documents or other objects and aiding and abetting, in violation of 18 U.S.C. §§ 1512(c)(1) and 2. *Id.*

On May 12, 2021, this Court scheduled two trial dates of September 26, 2021 (the “September Trial Group”), and November 29, 2021 (the “November Trial Group”). ECF No. 133. The Court also set a briefing schedule that required the government to provide notice of its intention to introduce any evidence under Federal Rule of Evidence 404(b) to the September Trial Group by July 8, 2022. *Id.* The government did so. ECF No. 187.

On July 29, 2022, defendants Watkins, Caldwell, and Meggs filed various oppositions to the government’s notice. ECF Nos. 217, 218, 219. Given the number of different oppositions and claims raised throughout these pleadings, the government respectfully requests a one-week extension of its standard one-week timeline to file reply briefs, *see* Local Criminal Rule 47(d), to Friday, August 12, 2022.


Undersigned government counsel conferred with counsel for the September Trial Group and none opposed this request; the government did not hear back from counsel for Watkins on this issue.

WHEREFORE, the government respectfully moves for a one-week extension of its deadline to reply to the defendants' opposition to the government's Rule 404(b) notice.

Respectfully submitted,

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