

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
UNITED STATES OF AMERICA,)	
v.)	Criminal No. 22-cr-15 (APM)
ELMER STEWART RHODES, III et al.,)	
Defendants.)	
)	

ORDER

Per the court’s order at the pretrial conference held on September 14, 2022, the government made an *in camera, ex parte* submission regarding undisclosed civilian witness information. With the submission, the government filed a Motion to Withhold from Discovery Certain Materials That are Not Otherwise Relevant or Discloseable, pursuant to Fed. R. Crim. P. 16(d)(1) and the applicable law, requesting that the court: (1) conduct an *ex parte, in camera* review of the government’s submission and underlying materials; and (2) authorize the government to withhold from discovery information which is not otherwise relevant or discloseable.

The court has carefully considered the government’s discovery obligations, including, but not limited to, its obligations pursuant to the Federal Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and their progeny. Having carefully considered the government’s discovery obligations and the government’s *ex parte* filing and Motion, the court **GRANTS** the government’s motion to withhold the submitted undisclosed civilian witness information.

The court finds that the government’s filing was properly submitted *ex parte, in camera* for this court’s review, pursuant to Fed. R. Crim. P. 16(d)(1). The court has conducted an *ex parte,*

in camera review of the government's *ex parte* filing and underlying materials related to this civilian-witness reporting.

On the basis of the court's independent review of the information and the arguments set forth in the government's filings, the court finds that the undisclosed information referenced therein is not otherwise relevant or discloseable.

Accordingly, **IT IS ORDERED** that the government is authorized to withhold from discovery to the defense the information outlined in the government's filing.

IT IS FURTHER ORDERED that the government's *ex parte* filing and accompanying documents shall be sealed and maintained for any future review, until further order of this court.

Dated: September 23, 2022


Amit P. Mehta
United States District Judge