

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

UNITED STATES OF AMERICA, :
 :
 Plaintiff, : CASE NO. 1:21-cr-00161
 :
 v. : JUDGE WALTON
 :
 DUSTIN BYRON THOMPSON, :
 :
 Defendant. :

**DEFENDANT'S RENEWED MOTION TO APPOINT U.S. MARSHALS SERVICE AS
PROCESS SERVER**

Defendant Dustin Byron Thompson, through undersigned counsel, respectfully moves the Court for an Order appointing the U.S. Marshals Service as process server in the above-captioned case. The reasons in support of this Motion are set forth in the following Memorandum.

Respectfully submitted,

/s/ Samuel H. Shamansky
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Counsel for Defendant

MEMORANDUM

On January 7, 2022, Defendant filed a Motion for Appointment of U.S. Marshals Service as Process Server, ECF No. 44, expressing his intention to subpoena former President Donald J. Trump and several individuals associated with the Trump administration who made public statements on and before January 6, 2021. Within that Motion, Mr. Thompson referenced a history of evasiveness displayed by several of the potential witnesses and the difficulties he anticipated would arise should private service of process be utilized. On January 27, 2022, the Court Order addressing Defendant's Motion, in which it found that his concerns were speculative and constituted an insufficient basis upon which to require the U.S. Marshals Service to "utilize its already overburdened resources to attempt service of the subpoenas." Pretrial Scheduling Order, ECF No. 51, n. 1. Accordingly, Defendant's Motion was denied.

In the absence of law enforcement assistance, Defendant retained a private process service company to serve the aforementioned subpoenas. On April 1, 2022, while attempting to lawfully serve former President Donald J. Trump at the Mar-a-Lago Club, one of Mr. Thompson's private process servers was turned away an armed individual. According to the return of service submitted to Counsel¹, the process server believed this individual to be a government employee, specifically an agent of the United States Secret Service. Defense Counsel's attempts to obtain more information regarding this interaction have thus far been unsuccessful; however, it is Defendant's intention to supplement this Motion once Counsel has spoken to the process server directly.

Regardless of the identity of the armed security agent, Defendant's concerns are no longer speculative. Moreover, this incident illustrates why private service on individuals possessing

¹ A copy of that notice, with personal identifiers removed, is attached hereto. An unredacted copy of the email is also available should the Court require the same.

armed security details is difficult, if not impossible. In light of these circumstances, Defendant respectfully submits that he has no meaningful method to safely exercise his right to compulsory process without the intercession of law enforcement. Accordingly, Defendant respectfully requests that the Court reconsider its previous decision given this new information and issue an Order appointing the U.S. Marshals Service as process server.

Respectfully submitted,

/s/ Samuel H. Shamansky
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Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed with the Clerk of Court for the United States District Court for the District of Columbia using the CM/ECF system, which will send notification of such filing to Assistant U.S. Attorney William Dreher, 700 Stewart Street, Suite 5220, Seattle, Washington 98101 on April 5, 2022.

/s/ Samuel H. Shamansky
SAMUEL H. SHAMANSKY