

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

JEFFREY MCKELLOP,

Defendant.

Criminal Action No. 1:21-cr-00268 (CJN)

NOTICE OF JOINT PROPOSED PRETRIAL ORDER

As requested by the Court at the hearing on December 2, 2022, the parties hereby submit a joint proposed Pretrial Order in anticipation of the trial set to begin April 18, 2023.

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY

By: /s/ Shalin Nohria
Shalin Nohria
Assistant United States Attorney
D.C. Bar No. 1644392
United States Attorney's Office
601 D St. NW, 6.713
Washington, D.C.,
Cell No. 202-344-5763
shalin.nohria@usdoj.gov

/s/ John Kiyonaga
JOHN KIYONAGA
Counsel for the Defendant

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SCHEDULING ORDER

Trial is set to commence in this matter on **April 18, 2023**, at 9:00 a.m., in Courtroom 19. Jury selection will take place on **April 17, 2023**, at 9:00 a.m. in the Ceremonial Courtroom. Jury selection and the trial will be conducted in accordance with Appendix 8 of the Continuity of Operations Plan for COVID-19, assuming it is still in effect. The following deadlines shall govern pretrial proceedings:

1. The Parties shall file their pretrial motions (including motions *in limine*), if any, on or before **February 13, 2023**; oppositions shall be filed on or before **February 27, 2023**; and replies shall be filed on or before **March 6, 2023**. The Parties shall also meet and confer by **February 27, 2023**, to discuss whether any issues presented by the pretrial motions can be resolved by agreement of the Parties.
2. The United States shall notify Defendant of its intention to introduce any Rule 404(b) evidence not already disclosed on or before **March 27, 2023**.
3. The United States should endeavor to make grand jury and Jencks Act disclosures as to each witness it expects to call in its case-in-chief on or before **March 27, 2023**. Any *Brady* material not already disclosed also must be disclosed by this date.

4. On or before **March 27, 2023**, counsel shall file a Joint Pretrial Statement that contains the following:
 - a. A neutral statement of the case. The Parties shall include a neutral statement of the case for the court to read to prospective jurors.
 - b. Proposed voir dire questions. The Parties shall indicate the *voir dire* questions on which they agree; and the *voir dire* questions on which they disagree with specific objections and relevant legal authority noted below each disputed question.
 - c. Proposed jury instructions. The Parties shall submit a list of all standard jury instructions from the “Red Book” (Criminal Jury Instructions for D.C. (Barbara A. Bergman ed., May 2016 ed.)) that they wish to include in the final instructions. The Parties need not submit the full text of any standard jury instruction but should provide the full text of (1) any modified standard jury instruction, with the proposed modification(s) redlined, and (2) any non-standard jury instruction they wish to have the court include. As to each non-standard jury instruction, the sponsoring party should cite legal authority for the proposed instruction, and the non-sponsoring party should state any objection to the instruction, including any proposed modifications.
 - d. List of witnesses. The Parties shall identify the witnesses that each side anticipates it may call in its case-in-chief. Only upon leave of court and a showing of good cause will a party be permitted to withhold a witness’s identity.

- e. Exhibit lists. The Parties shall include an exhibit list that each side anticipates it may introduce in its case-in-chief. The Parties need not list any exhibit that might be used for purposes of impeachment. The Parties should confer with Courtroom Deputy Courtney Lesley about the format of the exhibit list. The Parties should not provide a copy of the exhibits to the Court but must exchange pre-marked exhibits. The Parties must be prepared to raise objections to any proposed exhibit at the Pretrial Conference. The objecting party shall bring three copies of any contested exhibit to the Pretrial Conference.
 - f. Stipulations. The Parties shall submit a draft of all stipulations.
 - g. Proposed verdict form. The Parties shall include a draft verdict form, including any special interrogatories. The draft verdict form should include a date and signature line for the jury foreperson.
- 5. In addition to filing the Joint Pretrial Statement, on **March 27, 2023**, the Parties shall transmit, in Word format, an electronic copy of (a) any proposed modification to a standard jury instruction, (b) any non-standard jury instruction, and (c) the verdict form by email to the Courtroom Deputy Ms. Courtney Lesley at Courtney_Lesley@dcd.uscourts.gov.
 - 6. Counsel shall appear on **March 13, 2023**, at 2:00 p.m., in person for a hearing on any issues presented by the pretrial motions filed pursuant to paragraph 1.
 - 7. In addition, counsel shall appear on **April 3, 2023**, at 1:00 p.m., for a Pretrial Conference in Courtroom 19.

DATE:

CARL J. NICHOLS
United States District Judge