

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

UNITED STATES OF AMERICA	:	
	:	CASE NO. 21-CR-507 (PLF)
v.	:	
	:	
STEPHANIE M. BAEZ,	:	
	:	
Defendant.	:	

GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION FOR TRIAL BY JURY

The defendant in this case is charged by a four-count Information, the top two counts of which are Class A misdemeanor offenses. ECF No. 10. As such, she is entitled to a jury trial under the United States Constitution and the Federal Rules of Criminal Procedure. Up to this point in the criminal proceedings against the defendant, she expressed a desire to waive her right to a jury trial in favor of a bench trial. As recently as the Status Hearing that took place on July 6, 2023, the defendant represented through counsel that she was waiving her right to a jury trial and requesting a bench trial. The parties agreed to proceed with a bench trial to begin on September 26, 2023, at 10:00 AM in Courtroom 29A. MINUTE ENTRY from July 6, 2023. On July 9, 2023, the defendant filed a motion for a trial by jury. ECF No. 46.

The United States Supreme Court has long held that “the prosecution is entitled to prove its case by evidence of its own choice.” *Old Chief v. United States*, 519 U.S. 172, 186-87 (1997). A jury trial will require additional time—previously unaccounted for—to select a jury and seek the testimony of witnesses that may not have been necessary in a bench trial. Instead of the one or two days that the government previously believed would be sufficient to present its case-in-chief, the government now estimates that it will require three or four days (including jury selection) to present its case-in-chief.

The government is aware that there is a pending Order from the Court to file a Third Amended Scheduling Order no later than July 13, 2023. The government also knows that the Court has a tight trial schedule in September. Prior to filing a proposed Third Amended Scheduling Order, the government asks the Court to confirm that the Court has availability for a jury trial set to begin on September 26, 2023. If not, the government asks for an opportunity to confer with defense counsel and the Courtroom Deputy to find a trial date that will work for all parties to commence jury selection and give the government the time it requires to present its case.

Respectfully submitted,

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By:



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