

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

BRADLEY STUART BENNETT,

Defendant.

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Case No. 21-CR-312 (JEB)

**UNITED STATES' MOTION FOR LEAVE TO FILE SUR-REPLY
TO DEFENDANT'S NOTICE OF INTENT TO PRESENT HEARSAY EVIDENCE**

For the first time in his reply, Defendant Bradley Bennett identifies three specific narratives he claims will be admissible under Rules Rule 804(b)(3) and Rule 807. In addition, Bennett seeks to expand the definition of “unavailable” in his reply brief by arguing that a declarant is unavailable “[s]hould the government elect not to present [the declarant] as a witness.” *Reply*, ECF No. 128, at 2. The government seeks leave to file a sur-reply to address these new issues identified in the reply. Defendant assents to this motion for leave to file a sur-reply.

Respectfully submitted,

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