

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

UNITED STATES OF AMERICA,

v.

JESUS RIVERA,

Defendant.

Criminal No. 21-0060 (CKK)

PRETRIAL SCHEDULING ORDER

(December 21, 2021)

Having reviewed the parties' [26] proposed scheduling order, the Court sets the following tentative dates. At present, the Court is exploring the logistical efficacy of a March 14, 2022 trial date. The District Court continues to operate with limited resources and additional safety restrictions due to the ongoing COVID-19 pandemic. *See generally In re Ltd. Resumption of Criminal Jury Trials in Light of Current Circumstances Relating to the COVID-19 Pandemic*, Standing Order 21-62 (BAH) (D.D.C. Nov. 1, 2021). In relevant part, the District Court currently requires at least six feet of distancing between potential jurors. At present, only the Ceremonial Courtroom can accommodate cases requiring a special panel, i.e., sixty jurors. *See id.* at 6. Although this case does not require a special panel, the Court remains concerned whether a normal *venire* panel of only fifty potential jurors would suffice given the nature of this case. The Court currently expects that, if a fifty-person panel would suffice and the Ceremonial Courtroom were unavailable, it would conduct *voir dire* by seating twenty potential jurors in the undersigned's courtroom and the second thirty potential jurors in an overflow courtroom to participate by videocast.

Discovery & Associated Deadlines

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| Government to complete any final discovery under present indictment | N/A |
| Aspirational date for grand jury decision re: superseding indictment | N/A |
| Government to complete discovery under any superseding indictment | N/A |
| Discovery motions (Fed. R. Crim. P. 16) | February 11, 2022 |

Expert Notices & Other Crimes Evidence

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|--|-------------------|
| Government's expert notice (FRE 701 & 702) | January 13, 2022 |
| Defendant's expert notice (FRE 701 & 702) | January 13, 2022 |
| Government's FRE 404(b) notice | January 13, 2022 |
| Defendant's response to FRE 404(b) notice | January 20, 2022 |
| <i>Brady</i> notice | February 11, 2022 |

Experts

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|--------------------------|------------------|
| Expert reports (FRE 702) | January 13, 2022 |
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Lay witness identification and subject matter (FRE 701) February 12, 2022

Non-Evidentiary Pretrial Motions

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| Defendant's non-evidentiary pretrial motions, | |
| such as motions challenging the indictment | December 28, 2021 |
| Government's response to Defendant's non-evidentiary motions | January 3, 2022 |
| Defendant's reply as to non-evidentiary motions | January 11, 2022 |
| Government's non-evidentiary pretrial motions | December 28, 2021 |
| Defendant's response to Government's non-evidentiary motions | January 3, 2022 |
| Government's reply as to non-evidentiary motions | January 11, 2022 |

Evidentiary Pretrial Motions

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| Defendant's evidentiary pretrial motions, | |
| such as motions to suppress evidence, or <i>Daubert</i> | January 17, 2022 |
| Government's response to Defendant's evidentiary motions | January 24, 2022 |
| Defendant's reply as to evidentiary motions | January 31, 2022 |
| Government's evidentiary pretrial motions, | |
| such as <i>Daubert</i> and other crimes (404(b)) | January 17, 2022 |
| Defendant's response to Government's evidentiary motions | January 24, 2022 |
| Government's reply as to evidentiary motions | January 31, 2022 |

Motions in Limine

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| Motions <i>in limine</i> by both sides | February 10, 2022 |
| Responses to motions <i>in limine</i> | February 17, 2022 |
| Replies as to motions <i>in limine</i> | February 21, 2022 |

Joint notice of stipulations February 28, 2022

Giglio and *Jencks* material March 7, 2022

Voir Dire and Jury Instructions March 7, 2022

Witness and Exhibit Lists

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|--|---------------|
| Government's witness list, exhibit list and exhibits | March 7, 2022 |
| Defendant's witness list, exhibit list and exhibits | March 7, 2022 |

Pretrial hearings (to include resolutions of objections to evidence) shall take place as needed on a series of dates to be discussed with the Court.

Trial is tentatively set to begin on March 14, 2022. The parties shall promptly notify the Court if they want to change this date.

SO ORDERED.

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge