

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

JAMES RUSSELL DAVIS,

*Defendant.*

Criminal Action No. 21-595 (TJK)

**SCHEDULING ORDER**

As discussed at the Status Conference held on February 17, 2023, it is hereby **ORDERED** that:

1. By March 31, 2023: (a) the Government shall notify Defendant of its intention, if any, to introduce any evidence under Federal Rule of Evidence 404(b); (b) Defendant shall notify the United States of its intention, if any, to assert any of the defenses outlined in Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3; and (c) each party shall disclose to opposing counsel a written summary of any testimony that the party intends to use under Federal Rules of Evidence 702, 703, or 705;

2. Defendant shall, by April 7, 2023, file any pretrial motions under Federal Rule of Criminal Procedure 12. The Government shall respond to any such motion by April 28, 2023, and Defendant shall reply by May 5, 2023.

3. The parties shall file any motions *in limine* by June 5, 2023, and any oppositions to the motions shall be filed by June 12, 2023.

4. The parties shall file on the docket and submit to chambers in Microsoft Word format at Kelly\_Chambers@dcd.uscourts.gov a Joint Pretrial Statement, which shall include the information set forth in Attachment A to this Order, by May 26, 2023. The parties shall also submit any bench briefs to Kelly\_Chambers@dcd.uscourts.gov at the same time. The Court strongly encourages the parties to stipulate to as much of the evidence as possible.

5. The parties shall appear for a motions hearing and pretrial conference on June 15, 2023, at 9:30 a.m. in Courtroom 11; and

6. A bench trial shall commence on June 20, 2023, at 9:00 a.m. in Courtroom 11.

**SO ORDERED.**

/s/ Timothy J. Kelly  
TIMOTHY J. KELLY  
United States District Judge

Date: February 23, 2023

Attachment A

The Joint Pretrial Statement shall include the following:

- a. Proposed jury instructions for use by the factfinder, which are formatted so that each instruction begins on a new page, and indicate:
  - i. The instructions to which the parties agree;
  - ii. The instructions to which the parties disagree, with specific objections noted below each disputed instruction and supporting legal authority (if any); and
  - iii. The proposed instruction's source (e.g., the Red Book, Matthew Bender's Federal Jury Instructions), or, for modified or new instructions, its supporting legal authority;
- b. A list of expert witnesses, accompanied by a brief description of each witness's area of expertise and expected testimony, followed by specific objections (if any) to each witness;
- c. A list of prior convictions that the government intends to use for impeachment or any other purpose, followed by specific objections (if any) to that use;
- d. A list of exhibits that the government intends to offer during trial, with a brief description of each exhibit; and
- e. Any stipulations executed or anticipated to be executed.