

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : CRIMINAL NO. 21-cr-152
 :
 JOSHUA LOLLAR :
 :
 Defendant. :

GOVERNMENT’S PROPOSED PRE-TRIAL SCHEDULING ORDER

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, submits the following proposed scheduling order. Government counsel sent a proposed joint pre-trial scheduling order to defense counsel on September 20, October 30, and October 31, 2022, but did not receive a response prior to the filing deadline of October 31, 2022. Accordingly, the government was unable to file a joint proposed pre-trial scheduling order. The government suggests the following dates:

1. **TRIAL.** The trial in this matter will commence on Tuesday, January 10, 2023, at 9:30 a.m. in Courtroom 9. Attendance will be in person.
2. **PRE-TRIAL CONFERENCE.** A pre-trial status conference is scheduled for December 20, 2022, at 10:00 a.m. via video teleconference.
3. **PRE-TRIAL MOTIONS.** All pretrial motions (excluding motions *in limine*) are due on November 7, with oppositions due on November 21, 2022, and replies, if any, due on November 28, 2022. The Court will schedule a motion(s) hearing on these if necessary.
4. Motions *in limine* are due on November 21, 2022, with oppositions due on December 5, 2022, and replies, if any, due on December 12, 2022.
5. A pre-trial motions hearing for the motions *in limine* is scheduled for December 20, 2022, at 10:00 a.m., the date of the pre-trial status conference, via video teleconference.

6. **RULE 404(b) NOTICE:** November 14, 2022, is the deadline for the government to provide written notice of all prior and subsequent acts and convictions intended to prove knowledge, intent, or other elements identified in Rule 404(b) of the Federal Rules of Evidence.

7. **PROPOSED JURY INSTRUCTIONS.** Counsel shall file proposed jury instructions and a proposed verdict form-jointly, to the extent possible-on or before December 12, 2022. To the extent that they are pattern jury instructions from the current version of the Redbook, it is sufficient simply to list the numbers of those instructions. Special instructions shall be submitted verbatim with citations to cases and other authorities to support each instruction.

8. **BRADY AND GIGLIO.** The government is under a continuing and ongoing obligation to provide defense counsel any favorable or exculpatory information (Brady) as it becomes available, whether or not admissible in evidence. *Brady* information must be disclosed on a rolling basis and "the duty to disclose is ongoing." *Pennsylvania v. Ritchie*, 480 U.S. 39, 60 (1987). To the extent it has not already done so, the government must disclose information that may be useful for impeachment or may otherwise affect the credibility of any government witness (*Giglio*)-including *Lewis* material-by January 3, 2022. *United States v. Celis*, 608 F.3d 818, 835-36 (D.C. Cir. 2010). *Giglio* obligations are also ongoing. The government may request a protective order to preclude counsel from sharing *Giglio* information with their client.

9. **EXPERT TESTIMONY.** November 14, 2022, is the deadline for the government and defendant to disclose a written summary of expert testimony that each party intends to use at trial under Rules 702, 703 or 705 of the Federal Rules of Evidence.

10. **EXHIBIT LISTS.** The parties shall exchange a list of exhibits each intends to use in their cases-in-chief by November 21, 2022. The parties shall file objections to the admissibility of exhibits, to the extent practicable, by December 5, 2022, and replies shall be

filed not later than December 12, 2022. All exhibits are to be marked in advance of trial and listed in order on the exhibit form obtained from Courtroom Deputy Clerk. The written list of exhibits must contain a brief description of each exhibit. At the commencement of trial, counsel shall furnish the Court with two sets of binders containing their exhibit lists and copies of their pre-marked exhibits.

11. **WITNESS LISTS.** The parties shall exchange lists of witnesses they intend to call in their cases-in-chief by December 12, 2022. On that same date, the government shall also provide to the defense all Brady or Giglio material not previously provided pertaining to each witness on the list. Counsel will not be absolutely bound by the witness lists or the sequence. In some cases, security concerns may justify nonidentification of witnesses by the government until shortly before they are actually called. These situations, if any, shall be brought to the Court's attention in camera when the witness list, excluding those names, is provided to defense counsel.

12. **VOIR DIRE.** Counsel shall jointly submit both a short narrative description of the case, to be read to the prospective jurors, and proposed voir dire questions on or before December 12, 2022.

13. **JURY SELECTION.** Except as already provided herein, the Court will summarize its jury-selection procedures at the pre-trial conference.

Respectfully submitted,

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Dated: October 31, 2022