

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : Case No.: 1:21-CR-00367-RDM  
 :  
 MARK MIDDLETON & :  
 JALISE MIDDLETON, :  
 :  
 Defendants. :

UNOPPOSED JOINT MOTION TO CONTINUE  
AND PROPOSED SCHEDULING ORDER

Motion to Continue

The United States of America, through undersigned counsel, now files its joint motion with the attorneys for the Defendants to continue the above captioned case.

On October 24, 2022, Jalise Middleton, through her attorney, filed a motion to vacate the trial date. Mark Middleton, through his attorney, joined the motion. On October 25, 2022, the court granted the defendants' request to vacate and instructed the parties to meet and confer amongst themselves and with the Deputy Clerk to pick a new date to commence trial. Upon motion of the United States, filed on November 10, 2022, the court granted an additional week to select a trial date, pre-trial filing dates, and to address the Speedy Trial Act.

After extensive discussion, the parties have settled on **August 21, 2023**, as a prospective trial date. The Deputy Clerk has confirmed that the court is available to begin trial on that day. Mr. Steven Kiersh, who represents Defendant Mark Middleton, has another trial that is scheduled to begin on July 24, 2023, and is anticipated to conclude on or about August 11, 2023. If Mr. Kiersh's prior trial extends beyond the anticipated conclusion date, he will inform the court as soon as practicable.

Defendants are waiving their speedy trial rights until August 21, 2023, including the period of October 25, 2022, through November 17, 2022.

**Proposed Scheduling Order**

In tandem with the proposed date of **August 21, 2023**, to commence trial date, the parties propose the following pre-trial filing deadlines:

1. The parties shall file any motions pursuant to Federal Rule of Criminal Procedure 12(b)(2)(A)-(D) on or before **May 29, 2023**; opposition shall be filed on or before **June 12, 2023**; and replies shall be filed on or before **June 19, 2023**. The Court will schedule a hearing on Rule 12 pre-trial motions, if necessary.
2. The United States shall make any required expert disclosure pursuant to Rule 16(a)(1)(G) by **June 5, 2023**; any reciprocal expert disclosures by Defendants pursuant to Rule 16(b)(1)(C) shall be made by **June 19, 2023**.
3. The United States shall notify Defendants of its intention to introduce any Rule 404(b) evidence not already disclosed on or before **June 26, 2023**.
4. Except where otherwise noted in the Pretrial Scheduling Order, motions in limine shall be filed by **June 26, 2023**; opposition shall be filed on or before, **July 10, 2023**; and replied shall be filed on or before **July 17, 2023**. If the United States wishes to file a motion in limine with respect to any defense expert, it may do so by filing a motion by **July 3, 2023**; any opposition to such motion shall be filed by **July 10, 2023**.
5. Defendants shall satisfy their reciprocal discovery obligations, if any, under Rule 16(b) (except as to experts, as noted above) by **June 26, 2023**. The Court will consider any motion in limine with respect to reciprocal discovery after such discovery is received. Any such motion shall be filed by **July 10, 2023**; any opposition to such motion shall be filed by **July 17, 2023**.
6. On or before **July 28, 2023**, the parties shall file a Joint Pre-trial Statement that contains the following:

- a. A neutral statement of the case;
  - b. Proposed voir dire questions;
  - c. Proposed jury instructions;
  - d. Witness lists;
  - e. Exhibit lists;
  - f. Stipulation; and
  - g. A proposed verdict form.
7. On or before **August 7, 2023**, the United States shall disclose all grand jury, Jencks, and Brady materials not already disclosed.
8. The parties shall appear on **August 14, 2023**, at 2:00pm, in the designated trial courtroom for a Pre-trial Conference.

Respectfully submitted,

MATTHEW M. GRAVES

United States Attorney  
D.C. Bar No. 481052

By: /s/ Sean P. McCauley  
Sean P. McCauley  
Assistant United States Attorney  
NY Bar No. 5600523  
601 D Street NW  
Washington, DC 20579  
(202)252-1897  
Sean.McCauley@usdoj.gov

/s/ Steven Kiersh  
Steven R. Kiersh  
Attorney for Mark Middleton  
5335 Wisconsin Ave NW, #440  
Washington, DC 20015  
(202)347-0200  
skiersh@aol.com

/s/ Robert Jenkins  
Robert L. Jenkins, Jr.  
Attorney for Jalise Middleton  
1010 Cameron Street, Suite 123  
Alexandria, VA 22314  
(703)309-0899  
rjenkins@bynumandjenkinslaw.com

**CERTIFICATE OF SERVICE**

On this 17<sup>th</sup> day of November 2022, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

/s/ Sean P. McCauley

Sean P. McCauley

Assistant United States Attorney

§