

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

_____	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
v.	)	Case No. 1:21-cr-179-RCL
	)	
RACHEL POWELL,	)	
	)	
Defendant.	)	
_____	)	

**NOTICE REGARDING COUNSEL’S AVAILABILITY FOR TRIAL**

Defendant Powell, through her counsel, files this notice regarding counsel’s availability for a trial in this matter in November 2022.

Counsel advised the Court in today’s status conference that he has a trial scheduled on December 12, 2022 in *United States v. Nordean, et al.*, 21-cr-175-TJK (D.D.C. 2021).<sup>1</sup> It is anticipated that the trial may last six weeks or longer. Preparation for those proceedings is an enormous undertaking. The case involves multiple complex conspiracy charges, six defendants, dozens of government witnesses, and thousands of hours of relevant video files. At least four substantive in-person hearings are scheduled before trial begins in December:

- (1) a hearing on motions to dismiss on September 29, 2022;
- (2) a hearing on motions to change venue on October 28, 2022;
- (3) a hearing on motions in limine to exclude a certain class of government exhibits on November 14, 2022; and
- (4) a hearing on general motions in limine and motions to suppress on November 18,

<sup>1</sup> Counsel believes he may have misspoken in the status conference by putting the *Nordean* trial date at December 16.

2022. *Nordean*, 21-cr-175, ECF No. 426.

In addition to those proceedings, matters are currently being litigated under seal that could well prompt additional pretrial hearings in October and/or November.

Here, the government's indictment includes multiple felony charges. In today's conference, the parties anticipated that trial would consume approximately one week. Counsel must advise the Court that a trial date in this matter on November 15, 2022 would present nearly insurmountable difficulties to the defense. Counsel is concerned that he would not be able to provide effective assistance of counsel to Ms. Powell on such a date given the heavy commitments described above, which include not just hearings but also associated discovery review and research and writing obligations.

Counsel notes that if Ms. Powell were to retain new counsel to resolve this scheduling dilemma, such a substitution would necessitate a trial date after November in order for new counsel to prepare. Counsel understands the Court's interest in expeditiously resolving matters on its criminal docket. That is why counsel expresses his concern that if a trial were to proceed on this timeline alongside the *Nordean* pretrial hearings and trial, Ms. Powell's matter could end up consuming even more of the Court's time through any resulting post-conviction proceedings and the like.

Accordingly, counsel would be grateful if the Court would consider a trial date following February 20, 2023. In the meantime, counsel will continue pursuing resolutions to this case short of trial consistent with his client's consent and agreement. Counsel reached out to the government to obtain alternative trial dates that would work for its attorneys. Powell will file a supplement to this notice when she obtains those dates.

Dated: Sept. 20, 2022

Respectfully submitted,

*/s/ Nicholas D. Smith*

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**Certificate of Service**

I hereby certify that on the 20th day of September, 2022, I filed the foregoing filing with the Clerk of Court using the CM/ECF system, and counsel of record were served by electronic means.

*/s/ Nicholas D. Smith*

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