

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

UNITED STATES OF AMERICA :
 :
 v. : **Criminal No. 1:21-cr-00078-EGS**
 :
JOHN EARLE SULLIVAN, :
 :
 Defendant. :

JOINT STATUS REPORT AND PROPOSED PRETRIAL DEADLINES

The United States of America, with concurrence of defense counsel, hereby respectfully submits this status report to the Court regarding the above-captioned case.

A. Background

The grand jury returned on November 10, 2021, a Superseding Indictment charging Defendant with violation of 18 U.S.C. §§ 1512(c)(2) (Obstruction of an Official Proceeding) in addition to other charges including 18 U.S.C. §§ 231(a)(3)(Civil Disorder), 1752(a)(1) and (b)(1)(A)(Entering and Remaining in a Restricted Building or Grounds with a Dangerous Weapon), 1752(a)(2) and (b)(1)(A) (Disorderly and Disruptive Conduct in a Restricted Building with a Dangerous Weapon) and 1001(a)(2)(False Statement or Representation to an Agency of the United States) and 40 U.S.C. §§ 5104(e)(1)(A)(i)(Unlawful Possession of a Dangerous Weapon on Capitol Grounds or Buildings), 5104(e)(2)(D)(Disorderly Conduct in a Capitol Building), and 5104(e)(2)(D)(Parading, Demonstrating, or Picketing in a Capitol Building).

The defendant is not in custody. Additionally, the parties note that there are numerous substantive motions pending before the Court that toll the speedy trial clock. These include Defendant's Motion to Dismiss Count 1 of the Superseding Indictment and Motion to Adopt and Join Motion in 21-cr-28 [DE 62] and a Supplemental Motion to Dismiss Count [71], Motion to

Dismiss Count Eight of the Superseding Indictment as Being Void for Vagueness [DE 47], and a Motion to Suppress Custodial Statements [DE 46].

The Court set a trial date of October 25, 2023, and directed the parties to propose a pretrial deadlines for (1) expert disclosure; (2) grand jury and Jenks Act disclosures as to each witness the Government expects to call in its case-in-chief; and (3) Brady materials not already disclosed by August 23, 2022. The parties propose the below accordingly.

B. Proposed Pretrial Deadlines

1. The United States shall make any required expert disclosures pursuant to Rule 16(a)(1)(G) by **July 17, 2023**; any reciprocal expert disclosure by Defendant pursuant to Rule 16(b)(1)(C) shall be made by **July 31, 2023**.
2. The United States will endeavor to make grand jury and Jencks Act disclosures as to each witness it expects to call in its case-in-chief on or before **September 2, 2023**. Any *Brady* material not already disclosed also must be disclosed by this date.

C. Additional Pretrial Deadlines

To assist the Court further, the parties also proposed the following pretrial deadlines for the Court's consideration.

1. The United States shall notify Defendant of its intention to introduce any Rule 404(b) evidence not already disclosed on or before **May 5, 2023**.
2. Motions in limine shall be filed on or before **June 2, 2023**; oppositions shall be filed on or **June 16, 2023**; and replies shall be filed on or before **June 23, 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 **August 25, 2023**; any opposition to

such motion shall be filed by **September 1, 2023**.

3. Defendant shall satisfy his reciprocal discovery obligations, if any, under Rule 16(b) (except as to experts, as noted above) by **July 3, 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 **August 25, 2023**; any opposition to such motion shall be filed by **September 1, 2023**.
4. The parties request that a hearing be scheduled to present argument as to any motions filed pursuant to paragraphs 2 and 3 the week of **September 11, 2023**.
5. On or before **October 13, 2023**, counsel shall file a Joint Pretrial Statement that contains the following:
 - a. Proposed voir dire questions.
 - b. Proposed jury instructions.
 - c. List of witnesses.
 - d. Exhibit lists.
 - e. Stipulations.
 - f. Proposed verdict form.

Respectfully submitted,

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