

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

UNITED STATES OF AMERICA

v.

RACHEL MARIE POWELL,

Defendant.

Case No. 1:21-cr-00179-RCL

**UNITED STATES' REPLY TO DEFENDANT POWELL'S
RESPONSE TO MOTION FOR A STATUS CONFERENCE**

The United States of America, through undersigned counsel respectfully replies to defendant Rachel Marie Powell's Response, ECF 83, to the government's Motion for a Status Conference, ECF 82, as follows:

1. This Court held a status conference on September 20, 2022, where, among other matters, the Court heard from defense counsel concerning objections to a November trial setting.
2. After the status conference, this Court set a jury trial in this case for November 15, 2022. Minute Entry of September 20, 2022.
3. Defense counsel filed a notice concerning his other scheduled matters; none conflict with the November 15 trial with the possible exception of a November 18 hearing in another case to address motions in limine. ECF 77 at 3.¹ Since the Court set the trial date for this case, defense counsel has sought the prosecution's agreement to postpone the trial for a series of differing reasons.
4. The United States prefers to keep the trial date that the Court has set but has informed opposing counsel that he is free to move for a continuance.

¹ At the status conference, this Court proposed recessing the trial on November 18 to accommodate defense counsel.

5. On October 16, 2022, defense counsel advised the United States that he wanted the prosecution to agree to postpone the trial so he could obtain an evaluation of his client's competence. The United States has no basis to question the defendant's competence.

6. The United States advised counsel of its intention to move for a pretrial status conference. Counsel did not address the merits of the request but asked the prosecution to discuss hearing dates; however, resolving hearing dates is not a prerequisite for filing a motion, and the United States can be available at the Court's convenience if the motion is granted. After contacting defense counsel and attempting to determine his position on its motion, the United States filed the motion seeking a pretrial conference.

7. In its response, the defense has still not responded to the merits of the motion for a pretrial conference. Instead, the response provides defense counsel's version of communications between counsel that have no relevance to the pending motion, such as defense counsel's desire for an alternative trial date, the request for a plea agreement the defendant had already rejected, and counsel's request to proceed by means of a stipulated trial.

8. The United States believes that a pretrial conference will provide the most efficient means to address what if any action is appropriate in light of recent defense communications expressing a concern with the defendant's competence to stand trial. *See* 18 U.S.C. § 4241(a) (the Court shall grant a hearing where there is reasonable cause to believe the defendant cannot understand the nature of the proceedings against her or assist properly in her own defense).²

² To be clear, the United States is not asking at this time for the Court to hold a hearing to determine if the defendant is competent or not; instead, less than a month before the scheduled trial date, the prosecution seeks to inform the Court that the defense has raised a concern with competence which may or may not warrant further action.

Accordingly, the United States asks this Court to grant its motion at the Court's earliest convenience given the approaching trial date.

Respectfully submitted,

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