

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

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| _____ |) | |
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CRIMINAL CASE NO: 1:21-CR-0382-PLF |
| |) | |
| CHRISTOPHER WARNAGIRIS |) | TRIAL: NOVEMBER 8, 2023 |
| |) | |
| DEFENDANT. |) | |
| _____ |) | |

DEFENSE OBJECTION TO GOVERNMENT EXHIBIT 316

Today, at 3:55 PM on October 24, 2023, on the day objections to exhibits were due, Government counsel emailed the Defense to advise that a new video exhibit, Government 316, will be added to the Government’s Exhibit List. The Government then filed the exhibit list — see ECF No. 94, which included the new exhibit, 316.

The defense did not even receive this video until two days prior, Sunday, October 22, 2023, as part of a larger production. The video was sent to the defense in response to an out-of-court request for exculpatory evidence, independent of the requests filed on the record. The defense has not had a chance to carefully review all of the new exculpatory evidence produced.

The defense objects to the use of new exhibit 316 in the Government’s case-in-chief as it was not on the Government’s September 29 Notice to the defense as per this Court’s Order, entered September 21, 2023. Today, October 24, 2023, is the first time the Defense has been made aware of this exhibit. Moreover, the Court’s Order also directs notice to the Court by the

Government prior to the introduction of an exhibit not noticed to the Defense by September 29.

The Government has not filed such a notice.

Furthermore, Exhibit 316 does not depict Mr. Warnagiris and is security footage of an area as it appeared before Mr. Warnagiris arrived. The video is prejudicial and will serve to confuse the issues. *See* Fed. R. Evid. 402, 403.

Respectfully submitted,

By Counsel:

/s/

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CERTIFICATE OF SERVICE FOR CM/ECF

I hereby certify that on October 24, 2023, I will electronically file the foregoing with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

/s/

Marina Medvin, Esq.