

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

UNITED STATES OF AMERICA

v.

ROBERT GIESWEIN,

Defendant.

Crim. Action No. 21-24-1 (TNM)

**UNOPPOSED MOTION TO CONTINUE DEADLINE FOR
RULE 404 NOTICE**

The United States of America, through undersigned counsel requests that the Court modify the Pretrial Order issued by Judge Sullivan, ECF 132, to extend by three weeks the deadline by which the government must provide the defendant any notice of its intent to introduce evidence of evidence governed by Fed. R. Evid. 404(b). In support of this motion, the government states as follows:

1. On October 6, 2022, Judge Sullivan issued a pretrial order setting certain deadlines, including a deadline of December 30, 2022, by which the government must provide the defendant with notice “of its intention to introduce any Rule 404(b) evidence not already disclosed. ECF 132 at 1.

2. On October 19, 2022, after the case was transferred to this Court’s docket, and after conferring with the parties, the Court left many of the deadlines set by Judge Sullivan in place, including the December 30 deadline for Rule 404(b) notice. *See* Minute Entry dated October 19, 2022.

3. Undersigned counsel are currently in trial in another matter and have been in contact with Ann Mason Rigby, counsel for the defendant, regarding the deadline for Rule 404(b)

notice.¹ Undersigned counsel informed Ms. Rigby that the government would seek an additional three weeks to comply with the Court's Rule 404(b) deadline. Ms. Rigby informed undersigned counsel that the defense does not oppose an extension of the Rule 404(b) deadline.

4. The government submits that granting this request would not prejudice any party or the Court, as it would still leave ample time for the parties to file any motions that may be necessary as a result of such notice by the February 17, 2023, deadline. *See* ECF 132 at 1-2.

CONCLUSION

For the reasons set forth above, the government respectfully requests that the Court grant this request.

Respectfully submitted,

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¹ That trial is expected to last longer than the next three weeks, but counsel are mindful of the fact that with the schedule in place for a May 2 trial date, the notice deadline cannot be pushed much further than January 20, 2023.