

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

UNITED STATES OF AMERICA,

v.

MICHAEL SPARKS, et al.,

Defendants.

Criminal Action No. 21-87 (TJK)

SECOND REVISED SCHEDULING ORDER

Upon consideration of the parties' joint proposal for a revised scheduling order, it is hereby **ORDERED** that:

1. The parties shall, by February 17, 2023, file a joint status report addressing: (a) the appearance of counsel for Defendant Howe; (b) Defendant Howe's decision whether to waive a jury trial in writing pursuant to Federal Rule of Criminal Procedure 23; and (c) the Government's consent or non-consent to Defendants' jury trial waivers;
2. Should any information in the joint status report call into question the viability of the May 10, 2023 trial date, the parties shall promptly jointly contact chambers to schedule a status conference;
3. By March 27, 2023: (a) the Government shall notify Defendants of its intention, if any, to introduce any evidence under Federal Rule of Evidence 404(b); (b) Defendants shall notify the United States of their intention, if any, to assert any of the defenses outlined in Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3; and (c) each party shall disclose to opposing counsel a written summary of any testimony that the party intends to use under Federal Rules of Evidence 702, 703, or 705;

4. The parties shall file any pretrial motions, including motions to suppress, by March 31, 2023; oppositions to the motions shall be filed by April 7, 2023; and any replies shall be filed by April 14, 2023;

5. The parties shall file on the docket and submit to chambers in Microsoft Word format at Kelly_Chambers@dcd.uscourts.gov a Joint Pretrial Statement, which shall include the information set forth in Attachment A to this Order, by April 14, 2023;

6. The parties shall file any motions *in limine* by April 14, 2023; oppositions to the motions *in limine* shall be filed by April 21, 2023; and any replies shall be filed by April 24, 2023;

7. The parties shall appear for a motions hearing and pretrial conference on April 28, 2023, at 1:30 p.m. via videoconference; and

8. Trial shall commence on May 10, 2023, at 9:00 a.m. in Courtroom 11.

SO ORDERED.

/s/ Timothy J. Kelly
TIMOTHY J. KELLY
United States District Judge

Date: January 31, 2023

Attachment A

The Joint Pretrial Statement shall include the following:

- a. Proposed jury instructions for use by the factfinder, which are formatted so that each instruction begins on a new page, and indicate:
 - i. The instructions to which the parties agree;
 - ii. The instructions to which the parties disagree, with specific objections noted below each disputed instruction and supporting legal authority (if any); and
 - iii. The proposed instruction's source (e.g., the Red Book, Matthew Bender's Federal Jury Instructions), or, for modified or new instructions, its supporting legal authority;
- b. A list of expert witnesses, accompanied by a brief description of each witness's area of expertise and expected testimony, followed by specific objections (if any) to each witness;
- c. A list of prior convictions that the government intends to use for impeachment or any other purpose, followed by specific objections (if any) to that use;
- d. A list of exhibits that the government intends to offer during trial, with a brief description of each exhibit; and
- e. Any stipulations executed or anticipated to be executed.