

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	:	
	:	
	:	
v.	:	Cr. No. 21-cr-00176 (CJN)
	:	
STEVE OMAR MALDONADO,	:	
	:	
Defendant.	:	
_____	:	

**DEFENSE POSITION ON GOVERNMENT’S PROPOSED BRIEFING
SCHEDULE**

Mr. Steve Maldonado, through undersigned counsel, submits his objection to the government’s proposed briefing schedule (ECF. No. 67) in light of the pending interlocutory appeal which divests this court of jurisdiction over the case until the D.C. Circuit issues a mandate. The defense proposes that the Court set a trial date in November or December 2023, a time at which the Court is more likely to have regained jurisdiction. Once a trial date is selected, the parties can submit a pre-trial briefing schedule in accordance with that date. In support of this position, counsel states:

1. The government has filed an interlocutory appeal of this Court’s denial of Mr. Maldonado’s motion to dismiss count 1. The Court has ordered the parties to brief the effect of the pending appeal on this Court’s jurisdiction. The parties agree that the Court lacks jurisdiction over count 1. *See* ECF. Nos. 65, 64. The defense’s position—and apparently the government’s position in other cases—is that the interlocutory appeal divests the Court

of jurisdiction over all counts in the indictment.¹ *See* ECF. No. 66.

2. The defense's proposed approach comports with the practice in this district and with common sense. Indeed, it would be inefficient to have two separate trials within a few months at which the government would present the same evidence.
3. The defense acknowledges that under the Speedy Trial Act, the time between the filing of the interlocutory appeal and issuance of the mandate is excluded. *See* 18 U.S.C. §3161(h)(1)(C).

Respectfully Submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

_____/s/_____
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¹ Undersigned counsel understands that the government took a position contrary to the one it takes in Mr. Maldonado's case in 21CR565. In that case, the court set a trial date of November 6, 2023.

