UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

:

Criminal No. 1:21-cr-00708 (RCL)

LEO CHRISTOPHER KELLY,

v.

.

Defendant.

SCHEDULING ORDER

Trial is set to commence in this matter on January 16, 2023, at 9600 a.m. in Courtroom

Jury selection will begin that day at a.m. and will be conducted in accordance with
Appendix 8 of the Continuity of Operations Plan for COVID-19, assuming that Appendix 8
remains in force. All previously set scheduling deadlines are hereby vacated. The following deadlines shall govern pretrial proceedings:

- The Parties shall file their pretrial motions (including motions in limine and to dismiss
 the indictment or counts therein), if any, on or before November 15, 2022; oppositions
 shall be filed on or before November 29, 2022; and replies shall be filed on or before
 December 6, 2022.
- 2. The United States shall notify Defendant of its intention to introduce any Rule 404(b) evidence not already disclosed on or before **January 2, 2023.**
- 3. The United States should endeavor to make grand jury and Jencks Act disclosures as to each witness it expects to call in its case-in-chief on or before **January 9, 2023**. Any *Brady* material not already disclosed also must be disclosed by this date.
- 4. On or before **January 2, 2023,** counsel shall file a Joint Pretrial Statement that contains the following:

- a. A neutral statement of the case. The Parties shall include a neutral statement of the case for the court to read to prospective jurors.
- b. Proposed voire dire questions. The Parties shall indicate the voir dire questions on which they agree; and the voir dire questions on which they disagree with specific objections and relevant legal authority noted below each disputed question.
- c. Proposed jury instructions. The Parties shall submit a list of all standard jury instructions from the "Red Book" (Criminal Jury Instructions for D.C. (Barbara A. Bergman ed., May 2016 ed.)) that they wish to include in the final instructions. Parties need not submit the full text of any standard jury instruction but should provide the full text of (1) any modified standard jury instruction(s), with the proposed modification(s) redlined, and (2) any non-standard jury instruction which they wish to have the court include. As to each non-standard jury instruction, the sponsoring party should set legal authority for the proposed instruction, and the non-sponsoring party should state any objection to the instruction, including any proposed modifications.
- d. List of witnesses. The Parties shall identify the witnesses that each side anticipates it may call in its case-in-chief. Only upon leave of court and a showing of good cause will a party be permitted to withhold a witness's identity.
- e. **Exhibit lists.** The Parties shall include an exhibit list that each side anticipates it may introduce in its case-in-chief. The Parties need not list any exhibit that might be used for purposes of impeachment. The Parties should confer with

Courtroom Deputy Lauren Jenkins about the format of the exhibit list. The

Parties should not provide a copy of the exhibits to the court but must exchange

pre-marked exhibits. The Parties must be prepared to raise objections to any

proposed exhibit at the Pretrial Conference. The objecting party shall bring

three copies of any contested exhibit to the Pretrial Conference.

f. **Stipulations.** The Parties shall submit a draft of all stipulations.

g. Proposed verdict form. The Parties shall include a draft verdict form,

including any special interrogatories. The draft verdict form should include a

date and signature line for the jury foreperson.

5. In addition to filing the Joint Pretrial Statement, on January 2, 2023, the Parties shall

submit, in Word format, an electronic copy of (a) any proposed modification to a

standard jury instruction, (b) any non-standard jury instruction, and (c) the verdict form

by e-mail to the courtroom deputy at Lauren Jenkins@dcd.uscourts.gov.

6. Counsel shall appear on **December 13**, 2022, at 20, p.m., by video for a hearing on

pretrial motions, if necessary.

7. In addition, counsel shall appear on January <u>f</u>, 2023, at <u>c</u> p.m. for a Pretrial

Conference in Courtroom 15.

Date: Juty, 2022.

ROYCE C. LAMBERTH

United States District Judge