

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

ELMER STEWART RHODES, III et al.,

Defendants.

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Criminal No. 22-cr-15 (APM)

CONSOLIDATED PRETRIAL ORDER

Trial is set to commence in this matter on **September 26, 2022**, at 9:30 a.m., as to Defendants Rhodes, Meggs, Harrelson, Watkins, and Caldwell (“September Trial Group”), and on **November 29, 2022**, at 9:30 a.m., as to Defendants Minuta, Hackett, Moerschel, and Vallejo (“November Trial Group”). The following deadlines shall govern pretrial proceedings:

1. All Defendants shall file any additional motions pursuant to Federal Rule of Criminal Procedure 12(b)(3)(A)–(D) on or before **April 15, 2022**; oppositions shall be filed on or before **May 4, 2022**; and replies shall be filed on or before **May 11, 2022**. Counsel shall reserve **May 17, 2022**, at 1:00 p.m., for a hearing on Rule 12 pretrial motions, if necessary.
2. The United States shall make required disclosures pursuant to Rule 16(a)(1)(G) as to experts to be called at both trials by **June 23, 2022**;¹ any reciprocal expert disclosure by any Defendant shall be made by **July 22, 2022**. Challenges to any government expert will be governed by the schedule for motions in limine for the September Trial Group, as set forth in the next paragraph. If the United States

¹ If the government intends to call additional or different experts with respect to the November Trial Group, it may request a deadline for those disclosures.

wishes to file a motion in limine with respect to any defense expert, it may do so by filing a motion by **August 12, 2022**; any opposition to such motion shall be filed by **August 26, 2022**.

3. The United States shall notify the September Trial Group of its intention to introduce any Rule 404(b) evidence not already disclosed on or before **July 8, 2022**. Rule 404(b) evidence not already disclosed as to the November Trial Group shall be made by **October 10, 2022**.
4. Except as otherwise noted in this Pretrial Order, motions in limine for the September Trial Group shall be filed on or before **July 29, 2022**; oppositions shall be filed on or before **August 12, 2022**; and replies shall be filed on or before **August 19, 2022**. Any November Trial Group Defendant may file an individualized motion in limine by the **July 29, 2022** deadline; otherwise, upon filing of a notice, the court will treat the November Trial Group as having joined in the motions in limine filed by the September Trial Group. Additional motions in limine with respect to the November Trial Group may be filed by **October 31, 2022**; oppositions shall be filed **November 10, 2022**; and replies shall be filed by **November 15, 2022**.
5. Defendants in the September Trial Group shall satisfy their reciprocal discovery obligations, if any, under Rule 16(b) (except as to experts, as noted above) by **July 22, 2022**. The court will consider any motion in limine with respect to reciprocal discovery after such discovery is received. Any such motion shall be filed by **August 12, 2022**; any opposition to such motion shall be filed by **August 26, 2022**; any reply shall be filed by **September 2, 2022**. Reciprocal discovery disclosures

shall be made by the November Trial Group by **October 14, 2022**. Motions in limine as to the November Trial Group's reciprocal discovery shall follow the schedule as to additional motions in limine set forth in paragraph 4 above.

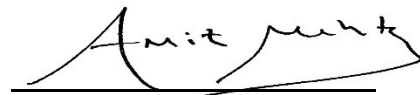
6. The United States should endeavor to make grand jury and Jencks Act disclosures as to each witness it expects to call in its case-in-chief as to the September Trial Group on or before **September 12, 2022**. Any *Brady* material not already disclosed must also be disclosed by this date. The Jencks/*Brady* deadline for the November Trial Group is on or before **November 15, 2022**.
7. On or before **August 23, 2022**, counsel shall file a draft Joint Juror Questionnaire. Qualified prospective jurors will appear on **September 13, 2022**, to answer the final version of this questionnaire. More details about the procedure for this process will follow closer in time. Any modifications to the Joint Juror Questionnaire for the November Trial Group shall be due by **September 25, 2022**. Qualified prospective jurors for the November trial will appear on **November 10, 2022**, to answer the final version of the questionnaire.
8. With respect to the September Trial Group, counsel shall file a Joint Pretrial Statement on or before **September 7, 2022**, that contains the below items. The Joint Pretrial Statement as to the November Trial Group shall be due **November 15, 2022**:
 - 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 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. The 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, with the proposed modification(s) redlined, and (2) any non-standard jury instruction they wish to have the court include. As to each non-standard jury instruction, the sponsoring party should cite legal authority for the proposed instruction, and the non-sponsoring party should state any objection to the instruction, including any proposed modifications.

- c. 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.
- d. 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 Jean Claude 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.
- e. Stipulations. The parties shall submit a draft of all stipulations.

- f. 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.
9. On the same dates the parties file their Joint Pretrial Statement, they shall transmit, 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 email to the Courtroom Deputy Jean Claude Douyon at Jean-Claude_Douyon@dcd.uscourts.gov.
10. With respect to the September Trial Group, counsel shall appear on **September 14, 2022**, at 9:30 a.m., in Courtroom 10 for a Pretrial Conference. The Pretrial Conference for the November Trial Group shall be held on **November 22, 2022**, at 9:30 a.m., in Courtroom 10.

Date: **May 12, 2022**


Amit P. Mehta
United States District Court Judge