

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DEREK COOPER GUNBY,

Defendant.

Criminal No. 21-0626 (PLF)

FOURTH AMENDED SCHEDULING ORDER

On September 20, 2023, the parties in this case convened for an arraignment and status conference. Defendant Derek Cooper Gunby was arraigned on a Superseding Indictment charging him with one felony offense – Obstruction of an Official Proceeding, in violation of 18 U.S.C. § 1512(c)(2), 2 – and four misdemeanor offenses. See Superseding Indictment [Dkt. No. 69]. The parties discussed their availability for trial proceedings and pretrial submissions. Counsel for Mr. Gunby indicated that he intends to file motions relating to the new felony offense in advance of trial. Counsel for the government explained that the government’s case in chief would require approximately two days to prosecute. Counsel for the government also indicated that it did not anticipate filing any additional motions in limine or other pretrial motions. In light of the representations of counsel, it is hereby

ORDERED that a jury trial will begin with jury selection on October 31, 2023, at 9:00 a.m. in Courtroom 29 in the William B. Bryant Annex to the E. Barrett Prettyman Courthouse; it is

FURTHER ORDERED that in the interest of justice and with the agreement of the parties, the Speedy Trial Act is tolled through October 31, 2023; and it is


FURTHER ORDERED that the remaining pretrial proceedings in this case shall be governed by the following schedule:

Date	Description
September 22, 2023	The United States shall file a Rule 404(b) notice if it intends to seek admission of Rule 404(b) evidence at trial.
October 2, 2023	Mr. Gunby shall file any motions, including motions to dismiss and motions <u>in limine</u> , concerning Count One, charging Obstruction of an Official Proceeding, in violation of 18 U.S.C. § 1512(c)(2), 2.
October 13, 2023,	<p>The government shall file any oppositions to Mr. Gunby's motions concerning Count One.</p> <p>Mr. Gunby shall file any oppositions to the government's Rule 404(b) notice.</p> <p>The parties shall exchange proposed case-in-chief exhibit lists. The exhibit list must contain a brief description of each exhibit.</p> <p>The parties shall exchange proposed case-in-chief witness lists. Counsel will not be required to call their witnesses in the sequence listed. In some cases, security concerns may justify nonidentification of witnesses by the United States until shortly before they are called to testify. In this situation, the United States will include the number of unidentified witnesses in its witness list and separately identify those witnesses in a filing under seal. Defense counsel shall not publicly disseminate the names of those witnesses.</p> <p>The United States shall provide to Mr. Gunby all <u>Brady</u> and <u>Giglio</u> evidence not previously disclosed related to the witnesses on its witness list, as well as any other <u>Brady</u> and <u>Giglio</u> information not previously disclosed.</p>
October 20, 2023	Mr. Gunby shall file any replies to the government's oppositions to his motions concerning Count One.

	The government shall file any replies to Mr. Gunby's opposition to the Rule 404(b) notice.
October 23, 2023	<p>The parties shall furnish opposing counsel and the Court two sets of exhibit lists and pre-marked exhibits. All exhibits are to be marked in advance of trial and listed in order on the exhibit form obtained from the Courtroom Deputy Clerk.</p> <p>The parties shall file any objections to the admissibility of exhibits, to the extent practicable.</p> <p>The parties shall provide to the Court any stipulations executed or anticipated to be executed.</p> <p>The parties shall file proposed jury instructions, proposed <u>voir dire</u>, and a proposed jury verdict form. If there are any disagreements, the parties shall file their own versions of these documents.</p>
October 31, 2023	<p>Jury selection will commence at 9:00 a.m. in Courtroom 29 in the William B. Bryant Annex to the E. Barrett Prettyman Courthouse.</p> <p>The parties shall be prepared to given opening statements immediately after the jury is empaneled.</p>
November 1, 2023	Trial will continue at 1:00 p.m. in Courtroom 29.
November 2, 2023	Trial will continue at 1:00 p.m. in Courtroom 29.
November 3, 2023	Trial will continue at 10:00 a.m. in Courtroom 29.
November 6, 2023	Trial will continue at 10:00 a.m. in Courtroom 29.
November 7, 2023	Trial will continue at 1:00 p.m. in Courtroom 29, if necessary.

SO ORDERED.

DATE: 9/20/23


 PAUL L. FRIEDMAN
 United States District Judge