

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

UNITED STATES OF AMERICA

v.

THOMAS JOHN BALLARD,

Defendant.

Criminal Action No. 21-0553 (TFH)

PRE-TRIAL ORDER

In accordance with the matters discussed during the May 3, 2022 videoconference hearing in this case, and in order to administer the trial of this case in a manner that is fair and just to the parties and is consistent with the goal of completing the trial in the most efficient manner, it is hereby

ORDERED that counsel shall comply with each of the following procedures and requirements:

1. TRIAL. The trial will begin with jury selection on **August 1, 2022 at 9:30 a.m.** in a courtroom to be determined according to the applicable courthouse protocols regarding the on-going COVID-19 pandemic.
2. PRE-TRIAL CONFERENCE. The pre-trial conference will be held on **July 25, 2022 at 10:00 a.m.** in Courtroom 26A. The Court will rule on any objections to proposed exhibits, to the extent possible, at the pre-trial conference, hearing argument as necessary.

3. PRE-TRIAL MOTIONS. The parties shall file any pre-trial motions, including motions to suppress and motions *in limine*, on or before **May 31, 2022**; oppositions shall be filed by **June 14, 2022**; and replies shall be filed by **June 21, 2022**.

4. PRE-TRIAL MOTIONS HEARING. A pre-trial motions hearing will be held via ZOOM on **June 28, 2022 at 9:30 a.m.**

5. JOINT PRE-TRIAL STATEMENT. The parties shall file a Joint Pre-trial Statement by **July 18, 2022** that contains the following:

- a. a one-paragraph joint statement of the case for the Court to read to prospective jurors;
- b. proposed voir dire questions that include:
 - i. the *voir dire* questions on which the parties agree; and
 - ii. the *voir dire* questions on which the parties disagree, with specific objections noted below each disputed question and supporting legal authority (if any);
- c. the text of proposed jury instructions, 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;
- d. 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;
- e. a list of any prior convictions that the government intends to use for impeachment or any other purpose, followed by specific objections (if any) to that use;

- f. a list of exhibits that each party intends to offer during trial, with a brief description of each exhibit, followed by specific objections (if any) to the admissibility of any exhibits;
 - i. All exhibits are to be marked in advance of trial and listed on the exhibit form furnished by Courtroom Deputy Clerk Andriea Hill. The written list of exhibits must contain a brief description of each exhibit.
 - ii. At the commencement of trial, counsel shall furnish the Court with two sets of binders containing their exhibit lists and copies of their pre-marked exhibits.
- g. any stipulations executed or anticipated to be executed; and
- h. a proposed verdict form that includes a date and signature line for the jury foreperson, as well as proposed special interrogatories (if any).

In addition to filing the Joint Pre-trial Statement on **July 18, 2022**, the parties 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 Chambers (c/o Andriea_Hill@dcd.uscourts.gov).

6. TRIAL PROCEDURES. Following the pre-trial motions hearing, the Court will issue an order regarding trial procedures that sets out the schedule, the jury selection process, and other general rules to govern the trial.

SO ORDERED.

May 4, 2022

Thomas F. Hogan
United States District Judge