

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

UNITED STATES OF AMERICA

v.

BENJAMEN BURLEW,

Defendant.

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Case No. 21-CR-647

JOINT STATUS REPORT

The United States of America, with concurrence of defense counsel, hereby respectfully submits this status report to the Court regarding the above-captioned case.

A. Background

The defendant was charged by complaint on June 25, 2021. The arrest warrant was executed in August 2021, and the defendant made an initial appearance in the District of Columbia on August 26, 2021. Time was excluded under the Speedy Trial Act from August 26, 2021, until a status hearing on November 8, 2021.

The defendant was indicted on October 27, 2021. He made his initial appearance on the indictment on November 5, 2021. The indictment was superseded, and the defendant was arraigned on the superseding indictment at a status conference on March 25, 2022. The Court set a trial date of October 24, 2022, and a pre-trial conference date of September 6, 2022. The Court ordered the parties to file the attached status report by April 15, 2022, to address motions and other pre-trial deadlines. Time under the Speedy Trial Act has been excluded until the trial date of October 24, 2022.

B. Proposed Pre-Trial Deadlines

1. The parties shall file any motion pursuant to Federal Rule of Criminal Procedure 12(b)(3)(A)–(D) on or before **August 5, 2022**; oppositions shall be

filed on or before **August 19, 2022**; and replies shall be filed on or before **August 26, 2022**.

2. The United States shall make any required expert disclosures pursuant to Rule 16(a)(1)(G) by **August 19, 2022**; any reciprocal expert disclosure by Defendant pursuant to Rule 16(b)(1)(C) shall be made by **September 2, 2022**.
3. The United States shall notify Defendant of its intention to introduce any Rule 404(b) evidence not already disclosed on or before **September 16, 2022**.
4. Except where otherwise noted in this Pretrial Order, motions in limine shall be filed on or before **September 30, 2022**; oppositions shall be filed on or before **October 7, 2022**; and replies shall be filed on or before **October 14, 2022**. If the United States wishes to file a motion in limine with respect to any defense expert, it may do so by filing a motion by **October 7, 2022**; any opposition to such motion shall be filed by **October 14, 2022**.
5. Defendant shall satisfy his reciprocal discovery obligations, if any, under Rule 16(b) (except as to experts, as noted above) by **September 16, 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 **September 30, 2022**; any opposition to such motion shall be filed by **October 7, 2022**.
6. The parties request that a hearing be scheduled to present argument as to any motions filed pursuant to paragraphs 4 and 5 the week of **October 17**.
7. On or before **October 14, 2022**, counsel shall file a Joint Pretrial Statement that contains the following:
 - a. Proposed voir dire questions.

- b. Proposed jury instructions.
 - c. List of witnesses.
 - d. Exhibit lists.
 - e. Stipulations.
 - f. Proposed verdict form.
8. The United States will 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 **October 14, 2022**. Any *Brady* material not already disclosed also must be disclosed by this date.

Respectfully submitted,

COUNSEL FOR THE GOVERNMENT

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