

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	Criminal Action No. 21-599 (RBW)
)	
DONNIE DUANE WREN and THOMAS)	
HARLEN SMITH,)	
)	
Defendants.)	
_____)	

PRE-TRIAL SCHEDULING ORDER

In accordance with the oral rulings issued by the Court at the status hearing held on November 4, 2022, it is hereby

ORDERED that the parties shall file their (1) motions in limine on or before November 18, 2022, 2022; (2) their oppositions to any such motions on or before November 30, 2022; and (3) their replies in support of any such motions on or before December 5, 2022. It is further

ORDERED that the government shall provide the defendants with notice of any evidence of other crimes it intends to use during the trial of this case pursuant to Federal Rule of Evidence 404(b) or evidence of prior convictions it intends to use for impeachment purposes, if the defendants decide to testify, on or before November 18, 2022, and any opposition to such notices shall be provided to the government on or before November 30, 2022. It is further

ORDERED that, although the government did not represent at the status hearing that it has any Brady/Giglio evidence to produce to the defendants, the government is reminded that it has an ongoing obligation to produce forthwith to the defendants any Brady/Giglio evidence the government becomes aware of. The government shall also produce to the defendants any Jencks Act material sufficiently in advance of witness's cross-examination so as not to cause delay. It is

further

ORDERED that the government shall produce to the defendants information regarding its expert(s) and any potential impeachment evidence related to the law enforcement officers involved in this case as soon as practicable after it becomes available. It is further

ORDERED that the parties shall meet and confer as soon as possible and thereafter submit their joint proposed voir dire questions, jury instructions, and verdict forms on or before December 2, 2022. If agreement cannot be reached on any matters relevant to the voir dire questions, jury instructions, or verdict forms, the parties shall provide separate submissions as to only those matters on which the parties cannot agree. It is further

ORDERED that the Court will empanel two alternate jurors. For the jury selection process, the defendants will have ten peremptory challenges against the potential regular jurors and two peremptory challenges against the potential alternate jurors for a total of twelve peremptory challenges. The government will have six peremptory challenges against the potential regular jurors and two peremptory challenges against the potential alternate jurors for a total of eight peremptory challenges. It is further

ORDERED that the Court will permit jurors to ask questions as delineated in the Court's General Order. See General Order Governing Criminal Cases Before the Honorable Reggie B. Walton at 7–8 (Nov. 4, 2022), ECF No. 43.¹ It is further

ORDERED that, on December 16, 2022, at 2:30 p.m., the parties shall appear before the Court for a pre-trial conference. The parties shall appear before the Court in Courtroom 16 on the 6th floor at the E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue,


¹ Any objections to permitting jurors to submit questions for witnesses should be raised at the pretrial conference on December 16, 2022.

N.W., Washington, D.C. 20001.² It is further

ORDERED that jury selection and trial of this case shall commence on January 9, 2023, at 9:00 a.m. It is further

ORDERED that, with the defendant's and the government's consent, the time from November 4, 2022, until January 9, 2023, is excluded under the Speedy Trial Act, to allow the parties time to motions in limine.

SO ORDERED this 4th day of November, 2022.


REGGIE B. WALTON
United States District Judge

² Although the pre-trial conference in this case is tentatively scheduled to be conducted in-person, in the event that the CARES Act authorization for remote proceedings is extended, this pre-trial conference will be conducted via videoconference.