UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	**CASE NO.: 21CR00599-RBW**
	)	
Plaintiff,	)	
vs.	)	
	)	
DONNIE DUANE WREN,	)	
	)	
Defendant.	)	

RESPONSE IN OPPOSITION TO GOVERNMENT'S MOTION FOR REVISED JURY INSTRUCTIONS AND VERDICT FORMS

The Defendant, **DONNIE DUANE WREN**, through undersigned counsel, files his response in opposition to the Governments motion for revised jury instructions and verdict forms, and as grounds therefore, states:

INTRODUCTION

The Government furnished its proposed jury instructions to counsel on February 21, 2023. Counsel for all parties subsequentially conferred for hours to reach consensus on their suitability. In accordance with the Court's directive, the jury instructions were submitted jointly on February 24, 2023. (ECF 62).

Now, on the eve of trial, the Government seeks to upset this effort by proposing "new model" instructions. Of course, if there were errors in the previously agreed to instructions, counsel would readily agree to these revisions. But there are not.

ARGUMENT

I. The Court should NOT revise the definition of "Assault" and "Forcibly" in Counts Four and Five.

The Government appears to seek to not only revise the instructions but also to rewrite the statute. Section 111 of Chapter 18, as charged in Count Four, ***requires*** that the acts alleged "involve physical contact with the victim." To now say, as the Government does, that "actual physical contact is not required" turns the statute on its head. The difference in language simply cannot be reconciled.

Likewise, the Government's attempt to redefine "assault" must fail. The Government looks to the District of Columbia's definition of assault under their local laws which are inapplicable here. Moreover, they seek to reduce the elements of a felony count of assault of an officer to a mere misdemeanor offense of an "offensive touching." The Government chose this forum to prosecute this case and chose this statute to present to the Grand Jury. Regretting that choice does not mean they can now bend this statute into some unrecognizable form.

II. The Court does not need to clarify "bodily harm" in the "act of physical violence" definitions in Count Nine and Twelve.

There is no reason for the Court to tamper with the definition of "act of physical violence." As written, the definition is more inclusive. It is written using the conjunctive "or." That is, an "act of physical violence means any act involving

an assault ***or*** other infliction ***or*** threat of infliction of death ***or*** bodily harm on an individual." The Government misleads when they claim that the Court must "clarify" this. The instruction is crystal clear. It offers four ways of proving this particular element of the offense. What compelling reason is there to shorten it?

Accordingly, the definition of "act of physical violence" in Counts Nine and Twelve should not be "revised."

III. Verdict Form Revision - Omit mention of Superseding Indictment

Undersigned counsel, on behalf of Mr. Wren, has ***no objection*** to omitting the phrase "as charged in Count [number] of the ***Superseding*** Indictment" from each line of the verdict form.

CONCLUSION

Based upon the foregoing reasons, the Defendant respectfully requests that the Court deny these revisions except for removing the word "Superseding" from the verdict forms.

Respectfully submitted,

GEORGE T. PALLAS, P.A
Counsel for Donnie Duane Wren
2420 SW 22nd Street
Miami, FL 33145
305-856-8580
305-860-4828 FAX
gpallas@beckhamsolis.com

By:/s/ *George T. Pallas*
GEORGE T. PALLAS, ESQ.

CERTIFICATE OF SERVICE

I certify that on this 12 day of April 2023, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing.

By:/s/ *George T. Pallas*
GEORGE T. PALLAS, ESQ.