

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. 22-cr-15 (APM)
	:	
v.	:	
	:	
ROBERTO MINUTA,	:	
	:	
JOSEPH HACKETT,	:	
	:	
DAVID MOERSCHEL, and	:	
	:	
EDWARD VALLEJO,	:	
	:	
Defendants.	:	

**UNITED STATES' MOTION FOR EXTENSION OF DEADLINE
TO PROVIDE SUPPLEMENTAL 404(b) NOTICE TO NOVEMBER TRIAL GROUP**

The United States respectfully requests a one-week extension of the deadline to provide the defendants in the November Trial Group with supplemental 404(b) notice from October 10 to October 17, 2022.

Roberto Minuta, Joseph Hackett, David Moerschel, and Edward Vallejo have been charged by indictment for their participation in a plot to use force to oppose the authority of the Government of the United States and to prevent, hinder, or delay the execution of specific laws and provisions of the Constitution of the United States governing the transfer of presidential power.

The indictment charges all defendants with seditious conspiracy, in violation of 18 U.S.C. § 2384 (Count One); conspiracy to obstruct an official proceeding, in violation of 18 U.S.C. § 1512(k) (Count Two); obstruction of an official proceeding, in violation of 18 U.S.C. § 1512(c)(2) (Count Three); and conspiracy to use force, intimidation, or threats to prevent officers of the United States from discharging their duties, in violation of 18 U.S.C. § 372 (Count Four).

ECF No. 167. Some defendants were additionally charged with destruction of government property and aiding and abetting, in violation of 18 U.S.C. §§ 1361 and 2; and tampering with documents or other objects and aiding and abetting, in violation of 18 U.S.C. §§ 1512(c)(1) and 2. *Id.*

On May 12, 2021, this Court scheduled two trial dates of September 26, 2021 (the “September Trial Group”), and November 29, 2021 (the “November Trial Group”). ECF No. 133. The Court also set a briefing schedule that required the government to provide notice of its intention to introduce any evidence under Federal Rule of Evidence 404(b) to the defendants by July 8, 2022. *Id.* The government did so. ECF No. 187. On July 29, 2022, defendants Watkins, Caldwell, and Meggs filed various oppositions to the government’s notice. ECF Nos. 217, 218, 219. The government filed its omnibus opposition to the defendants’ motions in limine on August 12, 2022. ECF No. 251. Defendant Caldwell filed a reply brief on August 13 (ECF No. 256), defendant Meggs filed a reply on August 19 (ECF No. 264), and defendant Watkins filed a reply on August 20, 2022 (ECF No. 270). After a hearing, the Court issued its ruling on the noticed 404(b) evidence on September 6, 2022. ECF No. 288.


The briefing schedule also ordered the government to supplement the previous 404(b) notice for the November Trial Group by October 10, 2022. ECF No. 133 at ¶3. The government requests a one-week extension of that deadline, to October 17, 2022. Undersigned government counsel conferred with counsel for the November Trial Group and none opposed this request. Relatedly, and in line with the current briefing schedule, the November Trial Group will file motions in limine by October 31, 2022, the government will file oppositions by November 10, 2022, and the November Trial Group will file replies by November 15, 2022. ECF No. 133 at ¶4.

WHEREFORE, the government respectfully moves for a one-week extension of its deadline to supplement its Rule 404(b) notice for the November Trial Group to October 17, 2022.

Respectfully submitted,

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