

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

DEVIN STEINER and
ADAM MILLER,

Defendants.

No. 1:22-cr-191 (RCL)

~~PROPOSED~~ TRIAL SCHEDULING ORDER

The United States of America and Defendants Devin Steiner and Adam Miller, through their undersigned attorneys, submit this proposed Trial Scheduling Order.

Trial is set to begin in this matter on **February 13, 2023**, at 10:00 a.m. The Parties intend to proceed with a bench trial.

The following deadlines shall govern pretrial proceedings:

1. MOTIONS The Parties shall file any motions to dismiss the indictment or other motions to exclude evidence by **December 15, 2022**. Oppositions to any such motions shall be filed by **January 5, 2023**. Any reply shall be filed by **January 16, 2023**.
2. JURY TRIAL WAIVER Defendants shall file a written waiver of their rights to a jury trial by **January 16, 2023**.
3. RULE 404(B) EVIDENCE The United States shall notify Defendants of its intention to introduce any Rule 404(b) evidence not already disclosed by **January 30, 2023**.
4. TRIAL BRIEF The Parties shall file, no later than **February 1, 2023**, a Trial

Brief that contains:

- A. A brief statement of the case that contains a summary of the relevant facts, the Parties' anticipated evidence, and anticipated defenses.
 - B. A summary of the elements of the crimes alleged, including any relevant definitions, with citation to relevant case law.
 - C. A summary of any anticipated stipulations.
 - D. A summary of any anticipated stipulated testimony.
 - E. A list of witness that the Party anticipates that it may call in its case-in-chief, divided into the witnesses who will be called to testify at trial and witnesses who may be called to testify at trial, with a brief description of each witness's expected testimony and area of expertise, if applicable.
 - F. Any request for opening argument and the time requested.
5. EXHIBIT LISTS The parties shall exchange lists of exhibits they intend to use in their cases-in-chief by **January 26, 2023**. The parties shall file objections to the admissibility of exhibits to the extent practicable by **February 2, 2023**, and the parties shall meet and confer before filing any such objections. All exhibits are to be marked in advance of trial. The written list of exhibits must contain a brief description of each exhibit. At the commencement of trial, counsel shall furnish the Court with the exhibit lists and copies of their pre-marked exhibits in paper or electronic form, as directed by the Court.
6. WITNESS LISTS The Government shall provide its list of witnesses to the defense (and to this Court) on or before **February 2, 2023**. On that same date, the Government shall also provide to the defense all *Brady* or *Giglio* material not

previously provided pertaining to each witness on the list. In addition, the Government must also provide a list of witnesses the Government anticipates calling on a particular trial day no less than 36 hours in advance (if not earlier). Defendants shall provide their witness lists to the Government (and this Court) no later than the close of the Government's case and the reverse *Jencks* material no later than the Friday before the witness is to testify. Counsel will not be absolutely bound by the witness lists or order of call in calling their witnesses because, on occasion, in good faith they must change an intended order of proof or find it necessary to call a witness out of turn. In some cases, security concerns may justify non-identification of witnesses by the Government until shortly before they are actually called.

7. PRE-TRIAL CONFERENCE The Parties shall be prepared for a Pretrial Conference prior to the start of the trial on **February 3, 2023, at 2:00 p.m.**, which shall be conducted by videoconference.

SO ORDERED.

 11/20/22

THE HONORABLE ROYCE C. LAMBERTH
UNITED STATES DISTRICT JUDGE