

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JACOB L. ZERKLE,

Defendant.

Criminal Action No. 22-100 (RBW)

FILED

JUL 06 2023

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

ORDER

In accordance with the oral rulings issued by the Court at the pretrial conference held on July 6, 2023, via videoconference, it is hereby

ORDERED that the United States' Omnibus Motion in Limine, ECF No. 25, is **DENIED AS MOOT IN PART AND HELD IN ABEYANCE IN PART**. The motion is **DENIED AS MOOT** to the extent that it seeks to limit discussion of security-related topics, in light of the defendant's representation that he does not intend to introduce these topics at trial. The motion is **HELD IN ABEYANCE** in all other respects.¹ It is further

ORDERED that the Defendant's Motion in Limine to Exclude Improper Case Agent Testimony, ECF No. 27, is **DENIED**, subject to a limitation that the government may only introduce case agent testimony regarding video evidence for the purposes of: (1) authenticating the video evidence, (2) describing the location and time frame depicted by the video evidence, and (3) identifying the defendant in the video evidence, to the extent that he is able to do so in light of his in-person interaction with the defendant. It is further

ORDERED that the Defendant's Motion to Dismiss Counts One Through Three of the

¹ The Court will address the remaining requests in this motion at the forthcoming pretrial conference, after the government has provided the defendant with a preliminary exhibit list and conferred with the defendant regarding what evidence it intends to introduce at trial.

Indictment, ECF No. 29, is **DENIED**. It is further

ORDERED that the Defendant's Motion to Continue Trial for Unavailable Complaining Witness, ECF No. 48, is **DENIED**. It is further

ORDERED that the government shall provide the defendant with its preliminary exhibit list and discuss with the defendant what evidence it intends to introduce at trial. It is further

ORDERED that the government shall make a good faith effort to locate former Metropolitan Police Department ("MPD") Officer Carlton Wilhoit and secure his presence at trial. It is further

ORDERED that, on July 24, 2023, at 10:00 a.m., the parties shall appear before the Court for a further pretrial conference via videoconference. The parties shall be prepared to discuss the evidence the government intends to introduce at trial and the effect of that evidence on the Defendant's Motion in Limine to Exclude Evidence and Testimony Relating to the Breach of the United States Capitol and Other Related Topics, ECF No. 28. The government shall be prepared to discuss its efforts in locating and securing the presence of former MPD Officer Carlton Wilhoit.

SO ORDERED this 6th day of July, 2023.



REGGIE B. WALTON
United States District Court Judge