

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-cr-623-2 (CRC)
	:	
KIRSTYN NIEMELA,	:	
	:	
Defendant.	:	

JOINT STATUS REPORT AND PROPOSED PRETRIAL SCHEDULE

The United States of America, by and through the United States Attorney for the District of Columbia, and counsel for the defendant, Kirstyn Niemela, jointly provide the Court with the below information as it relates to the upcoming trial in this case. The parties also jointly propose the below pretrial schedule to the Court. In support thereof, the parties submit as follows:

1. On November 21, 2022, the Court held a status conference in which defense counsel advised the Court of their client’s decision to reject the government’s plea offer and proceed to trial.
2. In response to the Court’s inquiry during the status conference as to whether the government would dismiss the two charges arising under 18 U.S.C. § 1752, the government can confirm that it will not dismiss those two charges to force a bench trial. *See United States v. Alford*, 21-cr-263 (TSC) (Capitol riot jury trial resulting in convictions on same four misdemeanor counts). For her part, Ms. Niemela has not yet decided whether she will demand a jury trial.
3. In a Minute Order dated November 4, 2022, the Court set a trial date in this matter for January 23, 2022, with the final pretrial conference to be held on January 17, 2023.
4. In light of the new trial date and the Court’s prior pretrial scheduling order, Dkt. No. 34, the parties propose revised pretrial deadlines as follows:

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES OF AMERICA:: v.: Case No. 21-cr-623-2 (CRC): KIRSTYN NIEMELA,:: Defendant.: JOINT STATUS REPORT AND PROPOSED PRETRIAL SCHEDULE The United States of America, by and through the United States Attorney for the District of Columbia, and counsel for the defendant, Kirstyn Niemela, jointly provide the Court with the below information as it relates to the upcoming trial in this case. The parties also jointly propose the below pretrial schedule to the Court. In support thereof, the parties submit as follows: 1. On November 21, 2022, the Court held a status conference in which defense counsel advised the Court of their client's decision to reject the government's plea offer and proceed to trial. 2. In response to the Court's inquiry during the status conference as to whether the government would dismiss the two charges arising under 18 U.S.C. § 1752, the government can confirm that it will not dismiss those two charges to force a bench trial. See United States v. Alford, 21-cr-263 (TSC) (Capitol riot jury trial resulting in convictions on same four misdemeanor counts). For her part, Ms. Niemela has not yet decided whether she will demand a jury trial in this matter. 3. On November 4, 2022, the Court set a trial date in this matter for January 23, 2022, with the final pretrial conference to be held on January 17, 2023. 4. In light of the new trial date and the Court's prior pretrial scheduling order, Dkt. No. 34, the parties propose revised pretrial deadlines as follows: a. December 5 – Pretrial motions as well as any oppositions to the government's pending motions *in limine*; b. January 2 – Exhibit lists and Giglio/Lewis materials; c. January 9 – Joint statement of the case and proposed voir dire questions; d. January 11 – Objections to admissibility of exhibits; e. January 17 – Witness list; and f. January 19 – Proposed jury instructions. Respectfully submitted, MATTHEW M. GRAVES UNITED STATES ATTORNEY D.C. Bar No. 481 052 /s/ Jessica Arco Jessica Arco Trial Attorney-Detailee D.C. Bar No. 1035204 601 D St., NW Washington, D.C. 20530 jessica.arco@usdoj.gov Telephone: 202-514-3204 /s/ Michael M. Gordon Michael M. Gordon Assistant United States Attorney Florida Bar No. 1026025 400 N. Tampa St., Suite 3200 Tampa, Florida 33602 michael.gordon3@usdoj.gov Telephone: 813-274-6370 /s/ Paul J. Garrity Paul Garrity NH Bar No. 905 14 Londonderry Road Londonderry, NH 03053 (603) 434-4106 garritylaw@myfairpoint.net /s/ Richard F. Monteith Richard Monteith NH Bar No. 9352 14 Londonderry Road Londonderry, NH 03053 (603) 437-2733 monteithlaw@opn.com

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