

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

UNITED STATES OF AMERICA

v.

ANTONIO LAMOTTA,

Defendant.

Criminal Action No. 22-cr-320 (JMC)

PRETRIAL ORDER

In order to administer the trial of this case in a manner that is fair and just to the Parties and is consistent with the goal of completing the trial in the most efficient manner, it is hereby

ORDERED that a pretrial conference will be held on **August 14, 2023, at 9:30 AM** in Courtroom 21;

ORDERED that the trial of this case will commence, via bench trial, on **August 14, 2023**, following the conclusion of the pretrial conference, in Courtroom 21;

ORDERED that any substantive motions are due by **June 30, 2023**. Oppositions are due by **July 14, 2023**, and Replies are due **July 21, 2023**;

ORDERED that any motions in limine are due by **July 21, 2023**. Oppositions are due by **July 28, 2023**, and Replies are due by **August 4, 2023**;

ORDERED that the Parties' Exhibits and Witness Lists are due by **August 2, 2023**. The exhibit lists will consist of all exhibits that the Parties intend to use in their cases-in-chief. The Parties will confer regarding any objections to the proposed exhibits to narrow the issues in dispute before filing. All exhibits are to be marked in advance of trial and listed in order on the exhibit form obtained from the Courtroom Deputy Clerk. The written lists of exhibits must contain a brief

description of each exhibit. At the commencement of trial, counsel will furnish the Court with electronic copies of their exhibit lists and pre-marked exhibits;

ORDERED that the Government will notify Defendant of its intention to introduce any Fed. R. of Evid. 404(b) evidence not already disclosed by **May 12, 2023**;

ORDERED that the Parties will file the following on the public docket by **August 7, 2023**:

- a. Written statements (i) by the Government setting forth the terms of any plea offers made to Defendant and the dates such offers were made and lapsed; and (ii) by Defense Counsel indicating (1) the dates on which any plea offers were communicated to Defendant and rejected, *see Missouri v. Frye*, 566 U.S. 134, 145 (2012) (“[D]efense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused.”), and (2) the potential sentencing exposure communicated by the Defense Counsel to Defendant and the date on which such communication occurred, *see United States v. Rashad*, 331 F.3d 908, 912 (D.C. Cir. 2003);
- b. A list of expert witnesses, accompanied by a brief description of each witness’s area of expertise and expected testimony, followed by specific objections (if any) to each witness;
- c. A list of prior convictions that the Government intends to use for impeachment or any other purpose, followed by specific objections (if any) to that use;
- d. Lists of exhibits that the Parties intend to use during their cases-in-chief, with a brief description of each exhibit, followed by specific objections (if any) to each exhibit;
- e. Copies of any exhibits in dispute; and

f. Any stipulations executed or anticipated to be executed.

It is further

ORDERED that the Government is under a continuing and ongoing obligation to provide Defense Counsel any favorable or exculpatory information (*Brady*), whether or not admissible in evidence. *Brady* information must be disclosed on a rolling basis—“the duty to disclose is ongoing.” *Pennsylvania v. Ritchie*, 480 U.S. 39, 60 (1987). To the extent it has not already done so, the Government must disclose information that may be useful for impeachment or may otherwise affect the credibility of any Government witness (*Giglio*)—including *Lewis* material—on or before September 11, 2023. *See United States v. Celis*, 608 F.3d 818, 835-36 (D.C. Cir. 2010). The Government will endeavor to make grand jury and Jencks Act disclosures as to each witness it expects to call in its case-in-chief by **August 7, 2023**. *Giglio* obligations are also ongoing.

SO ORDERED.

DATE: March 16, 2023

Jia M. Cobb
U.S. District Court Judge