

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

UNITED STATES OF AMERICA,

v.

GILBERT FONTICOPA,

*Defendant.*

Criminal Action No. 21-638 (TJK)

**SCHEDULING ORDER**

Upon consideration of the parties' joint proposal for a scheduling order, it is hereby **ORDERED** that:

1. By May 19, 2023: (a) the United States shall notify Defendant of its intention, if any, to introduce any evidence under Federal Rule of Evidence 404(b); and (b) Defendant shall notify the United States of his intention, if any, to assert any of the defenses outlined in Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3;
2. By June 30, 2023, each party shall disclose to opposing counsel a written summary of any testimony that the party intends to use under Federal Rules of Evidence 702, 703, or 705;
3. The parties shall file any pretrial motions, including motions to suppress and motions *in limine*, by August 11, 2023; oppositions to the motions shall be filed by September 8, 2023; and replies shall be filed by September 15, 2023;
4. The parties shall file on the docket and submit to chambers in Microsoft Word format at Kelly\_Chambers@dcd.uscourts.gov a Joint Pretrial Statement, which shall include the information set forth in Attachment A to this Order, by September 22, 2023;

5. The parties shall appear for a motions hearing and pretrial conference on October 6, 2023, at 10:00 a.m. in Courtroom 11; and

6. Jury selection and trial shall commence on October 23, 2023, at 9:00 a.m. in Courtroom 11.

**SO ORDERED.**

/s/ Timothy J. Kelly  
TIMOTHY J. KELLY  
United States District Judge

Date: March 6, 2023

Attachment A

The Joint Pretrial Statement shall include the following:

- a. A one-paragraph joint statement of the case for the Court to read to prospective jurors;
- b. Proposed voir dire questions that include:
  - i. The *voir dire* questions on which the parties agree; and
  - ii. The *voir dire* questions in which the parties disagree, with specific objections noted below each disputed question and supporting legal authority (if any);
- c. Proposed jury instructions, which are formatted so that each instruction begins on a new page, and indicate:
  - i. The instructions to which the parties agree;
  - ii. The instructions to which the parties disagree, with specific objections noted below each disputed instruction and supporting legal authority (if any); and
  - iii. The proposed instruction's source (e.g., the Red Book, Matthew Bender's Federal Jury Instructions), or, for modified or new instructions, its supporting legal authority;
- d. 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;
- e. 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;
- f. A list of exhibits that the government intends to offer during trial, with a brief description of each exhibit;
- g. Any stipulations executed or anticipated to be executed;
- h. A list of lesser included offenses for which any party may seek a jury instruction; and
- i. A proposed verdict form that includes a date and signature line for the jury foreperson, as well as proposed special interrogatories (if any).