

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

DONALD J. TRUMP,

Defendant.

Criminal Action No. 23-cr-257 (TSC)

PRETRIAL ORDER

1. **TRIAL.** Trial in this matter will begin on **March 4, 2024**, at **9:30 a.m.** in Courtroom 9 unless otherwise specified.
2. **PRE-TRIAL MOTIONS.** All other pre-trial motions, excluding motions *in limine*, shall be filed on or before **October 9, 2023**. Oppositions shall be due **October 23, 2023**. Replies shall be due **November 6, 2023**.
3. **FED. R. EVID. 404(b) NOTICE.** No later than **December 4, 2023**, the government shall provide notice of evidence it intends to offer pursuant to Fed. R. Evid. 404(b).
4. **MOTIONS IN LIMINE/SUPPRESSION MOTIONS.** All motions *in limine* and motions to suppress statements or tangible things shall be filed on, or before, **December 27, 2023**. Oppositions shall be filed no later than **January 9, 2024**. Replies shall be due **January 22, 2024**. The court will schedule a hearing on the motion(s) as necessary.
5. **VOIR DIRE/ PROPOSED JURY INSTRUCTIONS.** Counsel shall jointly submit both a short narrative description of the case, to be read to the prospective jurors, and proposed voir dire questions on or before **January 15, 2024**. By the same date, Counsel shall file proposed jury instructions and a proposed verdict form, jointly to the extent possible. To the extent that the parties seek to use pattern jury instructions from the current version of the DC Redbook, it is sufficient simply to list the numbers of those instructions. Special instructions

shall be submitted verbatim with citations to cases and other authorities to support each instruction. Proposed instructions shall be filed on ECF. The parties shall indicate (a) the instructions on which the parties agree; and (b) the instructions on which the parties disagree.

6. **BRADY AND GIGLIO OBLIGATIONS.** The Government is under an ongoing obligation to promptly provide defense counsel any favorable or exculpatory information (*Brady*) as it becomes available, 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 **February 12, 2024**. See *United States v. Celis*, 608 F.3d 818, 835–36 (D.C. Cir. 2010). The Government’s *Giglio* obligations are also ongoing.
7. **EXPERT WITNESSES.** The parties shall disclose any expert witnesses and file a brief description of each witness’ area of expertise and expected testimony by **December 11, 2023**.
8. **EXHIBIT LISTS.** The parties shall exchange lists of exhibits they intend to use in their cases in chief by **December 18, 2023**. The parties shall file objections to exhibits by **January 3, 2024**. Replies shall be due **January 9, 2024**. 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 list of exhibits must contain a brief description of each exhibit.
9. **WITNESS LISTS.** The parties shall exchange lists of witnesses in their cases in chief by **February 19, 2024**. On that same date, the Government shall also provide to the defense all *Giglio* material not previously provided pertaining to each witness on the list. Counsel will not be absolutely bound by the witness lists or the sequence of witnesses on the list.
10. **JURY SELECTION.** The court will discuss its jury selection procedures at a later status hearing.

Date: August 28, 2023

Tanya S. Chutkan

TANYA S. CHUTKAN
United States District Judge