

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 21-0123 (PLF)
)	
VITALI GOSSJANKOWSKI,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

On August 3, 2022, the parties separately filed two status reports informing the Court that they had been unable to reach a plea agreement and requesting that the Court set a trial for April 2023. See Government’s Status Report [Dkt. No. 55]; Defendant’s Status Report [Dkt. No. 56]. The government subsequently filed a motion requesting that the Court enter an order “excluding time until the trial in this case commences, or alternatively, setting a trial date within 58 days from the disposition of the instant motion.” United States’ Motion for Excludable Delay Under the Speedy Trial Act or Alternatively, for a Trial Date Within Speedy Trial Act Deadlines [Dkt. No. 57] at 6. On August 5, 2022, the Court ordered defendant Vitali GossJankowski to respond to the government’s motion and informed the parties that the earliest it is available for trial is January 2023. See Memorandum Opinion and Order [Dkt. No. 58] at 3, 2.

On August 11, 2022, Mr. GossJankowski responded to the government’s motion for excludable delay. See Response to Government’s Motion for Excludable Delay (“Def. Resp.”) [Dkt. No. 61]. Mr. GossJankowski states that he “respectfully requests a speedy trial, and that the Court set motions deadlines for the filing and disposition of pretrial motions (which would automatically toll time under § 3161(h)(1)(D) from filing through disposition).” Id. at 2.

The government replied to Mr. GossJankowski's response on August 14, 2022, further opposing Mr. GossJankowski's arguments for a speedy trial. See United States' Reply to Defendant's Response to Motion for Excludable Delay Under the Speedy Trial Act or Alternatively, for a Trial Date Within Speedy Trial Act Deadlines [Dkt. No. 62].

The Court has carefully considered the parties' positions and will deny the government's motion for excludable delay at this time. Mr. GossJankowski is correct that if he files pretrial motions, the filing of such motions will "automatically toll time under § 3161(h)(1)(D) from filing through disposition." Def. Resp. at 2; see also 18 U.S.C. § 3161(h)(1)(D) (stating that "delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion" shall be excluded). The Court will therefore set a trial and a pretrial motions schedule as requested by Mr. GossJankowski. Accordingly, it is hereby

ORDERED that the government's [Dkt. No. 57] Motion for Excludable Delay Under the Speedy Trial Act or Alternatively, for a Trial Date Within Speedy Trial Act Deadlines is DENIED without prejudice; it is

FURTHER ORDERED that jury selection will commence in Courtroom 29 in the William B. Bryan Annex to the E. Barrett Prettyman Courthouse on January 4, 2023, beginning at 10:00 a.m. Trial will commence on January 5, 2023 with opening statements and will continue each weekday at 10:00 a.m. until concluded; and it is

FURTHER ORDERED that trial will proceed pursuant to the following schedule:

Date	Description
September 9, 2022	The parties shall file any Rule 12 motions to dismiss, motions for change of venue, and motions to suppress.
September 23, 2022	The parties shall file oppositions to Rule 12 motions to dismiss, motions for change of venue, and motions to suppress.
September 30, 2022	The parties shall file replies to Rule 12 motions to dismiss, motions for change of venue, and motions to suppress.
October 13, 2022 at 12:00 p.m.	Status conference via Zoom videoconference.
October 21, 2022	The parties shall file any motions <u>in limine</u> and <u>Daubert</u> motions.
November 4, 2022	The parties shall file oppositions to motions <u>in limine</u> and <u>Daubert</u> motions.
November 11, 2022	The parties shall file replies to motions <u>in limine</u> and <u>Daubert</u> motions.
November 21, 2022 at 10:00 a.m.	The Court will hear oral argument on all pending motions in Courtroom 29.
December 19, 2022	<p>The parties shall file proposed jury instructions and a jury verdict form.</p> <p>The parties shall exchange proposed case-in-chief exhibits and witness lists.</p>

Date	Description
December 23, 2022 at 10:00 a.m.	Final pretrial conference in Courtroom 29.
January 4, 2023 at 10:00 a.m.	Jury selection will commence in Courtroom 29.
January 5, 2023 at 10:00 a.m.	Trial will commence in Courtroom 29 with opening statements, and will continue each weekday at 10:00 a.m. until concluded.

SO ORDERED.

PAUL L. FRIEDMAN
United States District Judge

DATE: August 15, 2022