

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

TERENCE SUTTON

and

ANDREW ZABAVSKY,

Defendants.

Criminal No. 21-0598 (PLF)

ORDER

On September 29, 2022, the Court will hear oral argument on certain pending motions in limine in Courtroom 29A of the William B. Bryant Annex to the E. Barrett Prettyman Courthouse beginning at 1:00 p.m. See Amended Scheduling Order [Dkt. No. 179] at 4; Minute Order (Sept. 26, 2022) (rescheduling the time to 1:00 p.m.). The Court now informs the parties of the issues raised in the motions in limine on which the Court intends to hear argument and sets forth time limits allotted for argument on each issue.¹ Accordingly, it is hereby

¹ The parties have submitted the following briefs related to the pending motions in limine: Defendant Andrew Zabavsky's Motion to Suppress Tangible Evidence, Statements, and Identification Evidence ("Zabavsky Mot.") [Dkt. No. 255]; Government's Omnibus Motion in Limine ("Gov't Mot.") [Dkt. No. 256]; Terence D. Sutton, Jr.'s, Motion in Limine to Permit Evidence Regarding Decedent's Criminal Background, the Kennedy Street Crew, and Kennedy Street Drug Corridor ("Sutton Kennedy Mot.") [Dkt. No. 257]; Terence D. Sutton, Jr.'s, Motion in Limine to Preclude Admission of Body Worn Camera Videos and Sound ("Sutton BWC Mot.") [Dkt. No. 258]; Terence D. Sutton, Jr.'s, Motion in Limine to Preclude Admission of 404(b) Evidence Noticed by Government ("Sutton 404(b) Mot.") [Dkt. No. 259]; Terence D. Sutton, Jr.'s, Motion in Limine to Exclude Evidence Regarding the Metropolitan Police Department's General Order on Vehicular Pursuits ("Sutton MPD Mot.") [Dkt. No. 260]; Defendant Andrew Zabavsky's Opposition to Government's Omnibus Motion in Limine ("Zabavsky Opp.") [Dkt. No. 268]; Government's Opposition to Sutton's Motion in Limine to Exclude Evidence Regarding the Metropolitan Police Department's General Order on Vehicular

ORDERED that oral argument on September 29, 2022 will proceed pursuant to the following schedule:

1. Argument regarding the admissibility of MPD General Orders and changes to MPD General Orders. See Sutton MPD Mot.; Gov't Mot. at 11-12; Sutton Opp. at 15-21; Gov't MPD Opp.; Gov't Reply at 9-10; Sutton MPD Reply.

Argument	Time (45 minutes)
Mr. Sutton (opening)	15 minutes
The government (response)	15 minutes
Mr. Sutton (rebuttal)	5 minutes

2. Argument regarding Mr. Karon Hylton-Brown's character, criminal history, and alleged associations with the Kennedy Street Crew, and the Kennedy Drug Corridor,

Pursuits ("Gov't MPD Opp.") [Dkt. No. 269]; Government's Opposition to Defendant Motion in Limine to Exclude Body-Worn Cameras and Sound ("Gov't BWC Opp.") [Dkt. No. 270]; Government's Opposition to Defendant Zabavsky's Motion to Suppress Tangible Evidence, Statements, and Identification Evidence ("Gov't Zabavsky Opp.") [Dkt. No. 271]; Terence D. Sutton, Jr.'s, Opposition to the Government's Omnibus Motion in Limine ("Sutton Opp.") [Dkt. No. 272]; Government's Opposition to Defendant Motion in Limine to Exclude Evidence Under Federal Rule of Evidence 404(b) ("Gov't 404(b) Opp.") [Dkt. No. 273]; Government's Opposition to Defendant Sutton's Motion in Limine to Admit Evidence of the Decedent's Criminal Background, the Kennedy Street Crew, and Kennedy Street Drug Corridor ("Gov't Kennedy Opp.") [Dkt. No. 274]; Defendant Andrew Zabavsky's Reply in Support of his Motion to Suppress Tangible Evidence, Statements, and Identification Evidence ("Zabavsky Reply") [Dkt. No. 280]; Terence D. Sutton, Jr.'s Reply to Government's Opposition to his Motion in Limine to Exclude Evidence Regarding the Metropolitan Police Department's General Order on Vehicular Pursuits ("Sutton MPD Reply") [Dkt. No. 281]; Terence D. Sutton, Jr.'s Reply in Support of his Motion in Limine to Exclude Evidence Under Federal Rule of Evidence 404(b) ("Sutton 404(b) Reply") [Dkt. No. 282]; Terence D. Sutton, Jr.'s Reply in Support of his Motion in Limine to Preclude Admission of Body Worn Camera Videos and Audio ("Sutton BWC Reply") [Dkt. No. 283]; Terence D. Sutton, Jr.'s Reply to Government's Opposition to his Motion in Limine to Permit Evidence Regarding Decedent's Criminal Background, the Kennedy Street Crew, and Kennedy Street Drug Corridor ("Sutton Kennedy Reply") [Dkt. No. 284]; and Government's Reply to Defendants' Oppositions to Government's Omnibus Motion in Limine ("Gov't Reply") [Dkt. No. 285].

as well as community responses to Mr. Hylton-Brown's death. See Gov't Mot. at 3-7, 10-11; Sutton Opp. at 15; Zabavsky Opp. at 1-5; Gov't Reply at 1-5, 8-9; Sutton Kennedy Mot.; Gov't Kennedy Opp.; Sutton Kennedy Reply.

Argument	Time (55 minutes)
The government (opening)	15 minutes
Mr. Sutton (response)	20 minutes
Mr. Zabavsky (response)	10 minutes
The government (rebuttal)	10 minutes

3. Argument regarding body worn cameras and evidence implying impropriety from the deactivation of body worn cameras. See Sutton BWC Mot.; Zabavsky Mot. at 6-8; Gov't BWC Opp.; Sutton BWC Reply; Zabavsky Reply at 3-4.

Argument	Time (55 minutes)
Mr. Sutton (opening)	15 minutes
Mr. Zabavsky (opening)	10 minutes
The government (response)	20 minutes
Mr. Sutton (rebuttal)	5 minutes
Mr. Zabavsky (rebuttal)	5 minutes

FURTHER ORDERED that all other issues raised in the parties' motions in
limine will be decided based on the parties' written submissions or will be scheduled for oral
argument at a later date.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul L. Friedman".

PAUL L. FRIEDMAN
United States District Judge

DATE:

9/28/22