

ORIGINAL

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION - FELONY BRANCH

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UNITED STATES OF AMERICA)	CRIMINAL NOS. 2008-CF1-27068
)	2008-CF1-26997
v.)	2008-CF1-26996
)	
JOSEPH PRICE)	JUDGE LYNN LEIBOVITZ
VICTOR ZABORSKY)	
DYLAN WARD)	STATUS HEARING DATE: 1/15/10

**GOVERNMENT'S RESPONSE TO
DEFENDANTS' JOINT MOTION TO EXCLUDE
UNCHARGED CRIMINAL MISCONDUCT**

The United States of America, by its counsel, the United States Attorney for the District of Columbia, respectfully responds to the defendants' Motion to Exclude Uncharged Criminal Misconduct, as follows:

At a previous status hearing in this matter Judge Weisberg made it clear that he had not yet set a briefing schedule and asked the parties to discuss with one another proposed briefing and motions schedules. The parties exchanged proposed briefing schedules and were unable to agree on target dates. Accordingly, the defendants filed their Motion for Scheduling Order, suggesting a series of filing dates. The government has also filed with the Court a proposed briefing schedule. Given that there is not yet a briefing schedule set, the government has not filed any Motion or Notice of Intent to Introduce Uncharged Misconduct. Accordingly, the defendants' Motion to Exclude is premature and should be denied without prejudice to re-file at the appropriate time.

WHEREFORE, the United States of America, by its counsel, the United States Attorney

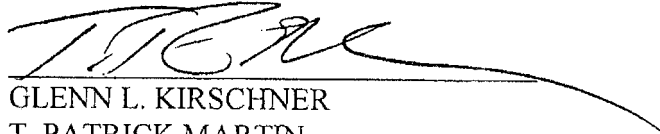


for the District of Columbia, respectfully submits that the Court should deny as premature defendants' Motion to Exclude Uncharged Criminal Conduct.

Respectfully submitted,

CHANNING D. PHILLIPS
UNITED STATES ATTORNEY

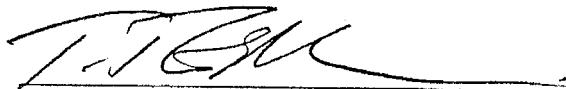
By:



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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing to be served by facsimile on January 13, 2010, upon Bernard Grimm, Esq., Cozen O'Connor, The Army and Navy Building, 1627 I Street, NW, Suite 1100, Washington, DC 20006, counsel for defendant Price, Thomas G. Connolly, Esq., Harris, Wiltshire & Grannis, LLP, 1200 Eighteenth Street, N.W., 12th Floor, Washington, DC 20036-2506, counsel for defendant Zaborsky, and David Schertler, Esq., Schertler & Onorato, LLP, 601 Pennsylvania Avenue NW, North Building, 9th Floor, Washington, DC 20004-2601, counsel for defendant Ward.



T. PATRICK MARTIN
Assistant United States Attorney