

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

UNITED STATES OF AMERICA

Plaintiff

v.

Criminal Action No. 3:22CR-84-RGJ

BRETT HANKISON

Defendant

\* \* \* \* \*

**MEMORANDUM OF CONFERENCE AND ORDER**

An in-person final pretrial conference was held in this matter on September 27, 2023 before the Honorable Rebecca Grady Jennings, United States District Judge. The Court's official court reporter was April Dowell. The following counsel participated in the final pretrial conference:

For the United States: Michael Songer and Anna Mary Gotfryd

For the Defendant(s): Jack Byrd, Ibrahim A. Farag and Wm. Stewart Mathews II,  
Retained counsel for Brett Hankison, who was present in person and on bond.

The Court and counsel discussed the procedural posture of the case. A draft Decorum Order for this trial was given to counsel and discussed. The proposed jury questionnaire was discussed with counsel with a final draft to be sent to counsel via email after additional comments are received. The logistics of the trial, including the voir dire process, jury selection, exhibits and witness lists, jury instructions, table logistics for the courtroom, IT needs, and witness rooms were all discussed. Current pending motions were discussed, and some rulings were made on the record and are reflected below. Evidentiary issues were discussed including *Brady* and *Giglio* evidence, Rule 404(b) and Experts. Based on the discussion during the

conference, and the Court being otherwise sufficiently advised, **IT IS HEREBY ORDERED** as follows:

(1) This matter remains as scheduled for a **jury trial on October 30, 2023 at 9:30 a.m.** at the Gene Snyder U.S. Courthouse in Louisville, Kentucky before the Honorable Rebecca Grady Jennings, United States District Judge. **Counsel shall be in the Courtroom at 9:00 a.m.** Counsel advised that this trial would last **two (2) to three (3) weeks.**

(2) The motion for site visit by the defendant **[DE 40]** was discussed and a written opinion will be issued by the Court separately. The Court requested that the parties either separately or in a joint filing provide more detail as to what an exterior site visit would entail. Such filing should be made under seal.

(3) The motion for exhibit review conference **[DE 43]** is **MOOT.**

(4) The motion *in limine* by the defendant **[DE 44]** is **MOOT.**

(5) The motion *in limine* by defendant **[DE 57]** as to the **unrelated curtain is moot** and the motion as to the visual depictions of the deceased is **DENIED** in part as to United States exhibits 28, 21, 57 and the unnamed exhibit demonstrating the victims' positioning in the hallway.

(6) The motion *in limine* by United States regarding the state trial **[DE 51]** is **MOOT.**

(7) Separate orders shall be issued on these motions at DE 49, 50 and 52.

(8) Any "related curtain" motion as discussed during this conference **shall be filed on or before October 10, 2023.**

(9) Any joint stipulations shall be emailed to the Court's Deputy in advance of the day of trial that will be introduced, will then be filed thereafter. A joint statement to be read to

the jury the morning of trial shall also be emailed to the Court's Deputy, **on or before October 23, 2023**.

(10) Counsel shall be prepared to provide to the Court their exhibits by thumb drive, at the conclusion of the trial counsel shall provide the Court Reporter all exhibits that were admitted by thumb drive for the jury. In addition, each counsel should provide all exhibits they intend on using during trial on a thumb drive for the Judge's use only **shall be sent to the Court's Deputy on or before October 27, 2023 in the Clerk's Office, Room 106**.

(11) The Court will seat twelve jurors, as well as four alternates for a total of sixteen jurors. The United States will be entitled to eight peremptory strikes and the Defendants will be entitled to a total of twelve peremptory strikes. The Clerk will then call a total of 36 jurors from the remaining lists of eligible jurors from the wheel. The first sixteen that are not struck from any party would be the jury, the four alternates would be pulled out at the end by random selection from the wheel.

(12) Jury Questionnaires will be sent to counsel by the Clerk within seven days of the trial.

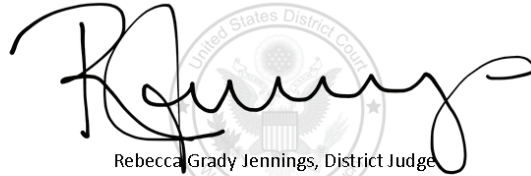
(13) Counsel may send to the Court's Deputy via email any additional questions to be added to the proposed Screening and Preliminary Voir Dire Questionnaire to be sent to the jury panel in advance. Additional drafts may be sent after receiving additional comments from counsel.

(14) Jury Conference. This matter is assigned for a **jury conference on October 27, 2023, at 10:00 a.m.** before Judge Rebecca Grady Jennings at the Gene Snyder United States Courthouse, Louisville, Kentucky.

(15) If an agreement has been reached by the parties in advance of trial, please contact the Court's Deputy via email at [andrea\\_morgan@kywd.uscourts.gov](mailto:andrea_morgan@kywd.uscourts.gov).

(16) **IT IS FINALLY ORDERED** that the Defendant shall remain on his present bond pending further orders of the Court.

October 5, 2023



Rebecca Grady Jennings, District Judge  
United States District Court

Copies to: Counsel of record  
United States Probation  
Jury Administrator

Court Time: 02/05

Court Reporter: April Dowell