

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

Case No. 1:23-cr-257-TSC

DONALD J. TRUMP,

Defendant.

_____ /

**PRESIDENT TRUMP’S RESPONSE TO PROSECUTION’S
MOTION FOR LEAVE TO FILE OVERSIZED BRIEF**

The prosecution requests leave to file an oversized, consolidated brief in response to President Trump’s Motion to Dismiss on Statutory Grounds (Doc. 114) and Motion to Dismiss on Constitutional Grounds (Doc. 113) (together, the “Motions”). The prosecution advises its proposed brief would exceed the 45-page limit for responses provided by LCrR 47(e). Doc. 136. The Court should deny the prosecution’s application.

Because the Motions raise distinct bases for dismissal, the defense believes it is more efficient and organized for the briefing to remain separated. This will avoid confusion over the application of any arguments to the parties’ respective briefing and will also keep the record clear on appeal by either party.

To the extent the Court grants relief, it should prohibit the prosecution from discussing either Motion for more than 45 pages, inclusive of any combined introductory or background sections. For example, the Court should not permit the prosecution to address Constitutional issues for 60 pages.

Finally, President Trump construes the prosecution’s application as concerning only its proposed response brief. Accordingly, President Trump intends to file separate replies in support

of his Motions, consistent with LCrR 47(d), (e) and this Court's prior order, Doc. 82. Any alteration to that standard right should require a separately noticed motion and full briefing.

Dated: November 4, 2023

Respectfully submitted,

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