

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:16-CR-212
	:	
v.	:	(Judge Conner)
	:	
KEVIN COLES,	:	
TOREY WHITE,	:	
JERELL ADGEBESAN, and	:	
	:	
Defendants	:	

ORDER

AND NOW, this 25th day of January, 2022, upon consideration of the motion (Doc. 1103) filed by defendant Jerell Adgebegan seeking to preclude admission of defendant Kenyatta Corbett’s proffer statements at trial or, in the alternative, a severance of Adgebegan’s case for trial, and the motion (Doc. 1107) filed by defendants Torey White and Kevin Coles seeking admission of Corbett’s proffer statements at trial or, in the alternative, a severance of Adgebegan’s case for trial, as well as the parties’ briefs in support of and in opposition to said motions which further request that all three defendants be severed for trial, and for the reasons set forth in the accompanying memorandum of today’s date, it is hereby ORDERED that:

1. Defendants’ motions (Docs. 1103, 1107) are GRANTED to the extent that the trial of Adgebegan is SEVERED from trial of Coles and White. The motions are DENIED to the extent the relief requested has been expanded to request that the court also sever Coles’ and White’s cases for trial.

2. A ruling on the extent of the admissibility of Corbett's proffer statements under Federal Rules of Evidence 804(b)(3) and 807 as well as Chambers v. Mississippi, 410 U.S. 284 (1973), is DEFERRED pending the court's review of the proffer statements. The parties shall file the proffer statements for the court's review, under seal if appropriate, no later than **Wednesday, February 2, 2022**.
3. Jury selection and trial as to Adgebegan are CONTINUED pending further order of court. Adgebegan's motion (Doc. 1133) to continue trial is DENIED as moot.
4. The court specifically finds, pursuant to 18 U.S.C. § 3161(h)(7)(A) that the ends of justice served by granting the continuance in paragraph 3 outweigh the best interests of the public and defendant in a speedy trial. The Clerk of Court shall exclude the appropriate time in the above-captioned action pursuant to the Speedy Trial Act and this order.
5. A telephonic pretrial scheduling conference with counsel for Coles, White, and the government shall commence at **2:00 p.m. on Thursday, February 3, 2022**. Counsel for the government shall initiate the call to chambers at 717-221-3945. At the time the call is placed, counsel for all parties shall be on the line and prepared to proceed.
6. A telephonic pretrial scheduling conference with counsel for Adgebegan and the government shall commence at **2:30 p.m. on Thursday, February 3, 2022**. Counsel for the government shall initiate the call to chambers at 717-221-3945. At the time the call is placed, counsel for all parties shall be on the line and prepared to proceed.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania