UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States v. White

Criminal Action No. 24-406 (RC) (D.D.C. May 15, 2026) · No. Criminal Action No. 24-406 (RC) · Decided May 15, 2026

SUMMARY

The opinion resolves the parties' pretrial motions in a federal bribery prosecution against a District of Columbia Councilmember charged under 18 U.S.C. § 201(b)(2). The court denies the defendant's motions to dismiss, concluding that the indictment is not impermissibly duplicitous and adequately alleges an official act, and permits evidence of an alleged 2019 bribe under Federal Rule of Evidence 404(b). The opinion also addresses the parties' motions in limine.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Rudolph Contreras
JURISDICTION	United States District Court for the District of Columbia
DECIDED	May 15, 2026
DOCKET	Criminal Action No. 24-406 (RC)
DISPOSITION	other
PROCEDURAL POSTURE	The defendant moved to dismiss a one-count bribery indictment as duplicitous and for failure to allege an official act. The parties also filed multiple motions in limine concerning admissibility, authentication, impeachment, entrapment, and trial management.
STANDARD OF REVIEW	On a motion to dismiss an indictment, the court assumes the truth of the indictment's factual allegations and dismisses on supervisory-power grounds only in unusual circumstances. Evidentiary rulings on motions in limine are committed largely to the district court's discretion. The court evaluated evidentiary issues under the Federal Rules of Evidence, including Rules 403, 404, 608, 801, 802, 901, and 902.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive rather than binding outside the case and not binding on the D.C. Circuit.
PARTIES	United States of America

TOPICS

criminal procedure · grand jury · evidence · hearsay · authentication

PRACTICE AREAS

criminal procedure · criminal evidence · federal bribery · pretrial motions

QUESTIONS PRESENTED

1. Whether the indictment improperly joined multiple bribery offenses in a single count.
2. Whether evidence of the alleged 2019 bribe was inadmissible because it was not inextricably intertwined with the charged conduct or was unfairly prejudicial under Rules 404(b) and 403.
3. Whether the indictment failed to allege an official act or agreement to perform an official act under 18 U.S.C. § 201(b)(2)(A) and McDonnell v. United States.
4. Whether the defendant could be precluded from presenting jury-nullification or selective-prosecution arguments to the jury.
5. Whether references to punishment or consequences of a guilty verdict should be excluded.
6. Whether evidence of the defendant's prior good conduct and self-serving hearsay should be excluded.
7. What limits Rule 608 imposed on cross-examination and extrinsic evidence concerning the confidential source's other criminal and civil cases.
8. Whether the defendant could be precluded before trial from presenting an entrapment defense.
9. Whether FBI interview reports could be introduced to impeach witnesses who did not write or adopt them.
10. Whether a Government case agent could remain at counsel table and whether specified business records and cellphone data were self-authenticating.
11. Whether the Government's notice of other-acts or predisposition evidence was premature or untimely.
12. Whether evidence of the defendant's gambling expenditures was inadmissible under Rules 403 or 404.

HOLDINGS

1. An indictment charging four bribery payments in one count is not impermissibly duplicitous when the payments are alleged to constitute acts in furtherance of a single, continuing bribery scheme occurring over a short period and the indictment provides adequate notice and protects against double jeopardy, sentencing uncertainty, and a nonunanimous verdict.
2. The alleged 2019 bribe was not inextricably intertwined with the charged 2024 scheme, but it was admissible under Rule 404(b) for non-propensity purposes, including relationship context, opportunity, capacity, motive, intent, and absence of mistake, and was not excluded under Rule 403 on the record presented.
3. The indictment adequately alleged an agreement to perform an official act because it alleged that White accepted a kickback in exchange for agreeing to pressure District agencies to extend grants or contracts,

and exerting pressure on another official to perform an official act can itself constitute an official act.

4. The defendant may be precluded from presenting jury-nullification arguments or selective-prosecution arguments to the jury because nullification is not a permissible jury function and selective prosecution is a legal issue for the court.
5. A pretrial motion to categorically exclude an entrapment defense was premature where the defendant's ability to establish inducement might depend on testimony from the confidential source and unrecorded conversations.
6. The specified business records and forensically extracted cellphone data were self-authenticating under Federal Rule of Evidence 902, including through certifications under Rules 902(11), (13), and (14).
7. Evidence of gambling expenditures was admissible under Rule 403, at least where the defendant disputed whether he kept or spent the cash allegedly received from the confidential source, because the expenditures were probative of whether he retained and did not return the money.

KEY QUOTATIONS

> *"The Indictment gives clear notice of the bribery scheme alleged, which took place "[f]rom June 26, 2024, to August 18, 2024" as outlined above."* (at 7)

> *"Whether a jury will agree with the Government's position that Mr. White's conversations with CHS-1 reflected an agreement to pressure an official is yet to be seen, but any defect would be in the proof, not in the Indictment."* (at 16)

> *"But the Court is persuaded that Mr. White should not have to decide at this juncture whether he will rely on an entrapment defense before having the opportunity to cross-examine CHS-1."* (at 29)

FACTUAL BACKGROUND

Trayon White, Sr., a District of Columbia Councilmember, allegedly accepted four cash payments totaling $35,000 from a cooperating confidential human source between June and August 2024. The Government alleged that the payments were made in exchange for White's use of his official position to pressure District agencies to extend contracts or grants to the source's companies, with White receiving a three-percent kickback. The indictment also alleged a separate 2019 payment related to a contract dispute, and the Government sought to introduce evidence of that prior conduct. The Government further sought to introduce evidence concerning White's spending of the bribe money, including gambling expenditures, and to authenticate business records and cellphone data.

PROCEDURAL HISTORY

A grand jury returned an indictment charging Trayon White, Sr. with one count of bribery under 18 U.S.C. § 201(b)(2). The court considered two defense motions to dismiss, the Government's omnibus and supplemental motions in limine, and the defendant's motions in limine after briefing and a February 25, 2026 hearing. The court denied both motions to dismiss, granted some Government motions in limine, denied others, granted the unopposed authentication motions, and denied the defendant's motions in limine.

DISPOSITION

other

CASES CITED

- United States v. Hitt, 249 F.3d 1010, 1016 (D.C. Cir. 2001)
- Russell v. United States, 369 U.S. 749, 767 (1962)
- United States v. Ballestas, 795 F.3d 138, 148-49 (D.C. Cir. 2015)
- Luce v. United States, 469 U.S. 38, 41 n.4 (1984)
- United States v. Jackson, 627 F.2d 1198, 1209 (D.C. Cir. 1980)
- United States v. Lipscomb, 702 F.2d 1049, 1056 (D.C. Cir. 1983) (en banc)
- United States v. Hubbell, 177 F.3d 11, 14 (D.C. Cir. 1999) (per curiam)
- United States v. Shorter, 809 F.2d 54, 56, 58 n.1 (D.C. Cir. 1987)
- United States v. Bruce, 89 F.3d 886, 890 (D.C. Cir. 1996)
- United States v. Klat, 156 F.3d 1258, 1266 (D.C. Cir. 1998)
- United States v. Alsobrook, 620 F.2d 139, 142 (6th Cir. 1980)
- United States v. Skelos, 988 F.3d 645, 656 (2d Cir. 2021)
- United States v. Coyne, 4 F.3d 100, 114 (2d Cir. 1993)
- United States v. Bates, 600 F.2d 505, 509 (5th Cir. 1979)
- United States v. Badru, 97 F.3d 1471, 1474 (D.C. Cir. 1996)
- United States v. Bowie, 232 F.3d 923, 929 (D.C. Cir. 2000)
- United States v. Machado-Erazo, 47 F.4th 721, 728 (D.C. Cir. 2022)
- United States v. Straker, 800 F.3d 570, 590 (D.C. Cir. 2015) (per curiam)
- Hansford v. United States, 303 F.2d 219, 226 (D.C. Cir. 1962) (en banc)
- United States v. Rippy, 606 F.2d 1150, 1155 n.35 (D.C. Cir. 1979) (per curiam)
- McDonnell v. United States, 579 U.S. 550, 567, 571-73 (2016)
- United States v. Paitsel, 147 F.4th 1010, 1023 (D.C. Cir. 2025)
- United States v. Wilkerson, 966 F.3d 828, 835 (D.C. Cir. 2020)
- United States v. Thomas, 116 F.3d 606, 614 (2d Cir. 1997)
- United States v. Washington, 705 F.2d 489, 495 (D.C. Cir. 1983) (per curiam)
- United States v. Broxton, 926 F.2d 1180, 1183 (D.C. Cir. 1991) (per curiam)
- United States v. Miller, 738 F.3d 361, 376 (D.C. Cir. 2013)
- United States v. Morrison, 98 F.3d 619, 628 (D.C. Cir. 1996)
- United States v. McKinley, 70 F.3d 1307, 1309 (D.C. Cir. 1995)
- United States v. Glover, 153 F.3d 749, 754 (D.C. Cir. 1998)
- United States v. Williamson, 903 F.3d 124, 132 (D.C. Cir. 2018)
- United States v. Sanchez, 88 F.3d 1243, 1249 (D.C. Cir. 1996)
- United States v. Burkley, 591 F.2d 903, 921 (D.C. Cir. 1978)

- United States v. Mahdi, 598 F.3d 883, 891 (D.C. Cir. 2010)
