

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs

Criminal Action No:
Honorable Victoria A. Roberts

Defendant.

CRIMINAL TRIAL NOTICE AND STANDING ORDER RE:

- (1) Discovery and Inspection of Documents;
- (2) Fixing Plea Cut-off Date;
- (3) Fixing Motion Cut-off Dates;
- (4) Governing Other Pretrial Matters; and
- (5) Fixing Trial Date and Final Status Conference.

This Order is entered in order to eliminate unnecessary discovery motions and to expedite the presentation of evidence and the examination of witnesses. To the extent it is in conflict with 99-AO-003, which you should familiarize yourself with, this Order shall govern.

1. PLEA CUT-OFF DATE: **[plea cut off date]**
2. TRIAL DATE AND TIME: **[trial date and time]**
(estimated hours for trial:**[estimated hours for trial]**)

IT IS YOUR RESPONSIBILITY TO CONFIRM THE TRIAL DATE AS THE DATE APPROACHES WITH THIS COURT'S DEPUTY CLERK, (313) 234-5230.

3. FINAL STATUS CONFERENCE DATE AND TIME: **[final status conf date]**
4. MOTIONS: Shall be filed by: **[motions cut off date]**

RESPONSES TO MOTIONS: Shall be filed by:
REPLY BRIEFS:

5. MOTION HEARING DATE: [motion hearing date and time]
6. DEADLINE FOR FILING TRIAL BRIEFS, WITNESS LISTS, PROPOSED VOIR DIRE, JURY INSTRUCTIONS AND LIST OF EXHIBITS: [**deadline for witness lists**]

1. **ATTORNEY CONFERENCE AND DISCLOSURE:** Within ten (10) days of the date of arraignment, government and defense counsel shall meet and confer for the purpose of resolving or minimizing the issues in controversy. Upon the request of defense counsel, government counsel shall:

(a) provide defense counsel with the information described in Federal Rules of Criminal Procedure 16(a)(1); and

(b) permit defense counsel to inspect, copy or photograph any exculpatory/impeachment evidence within the meaning of Brady v Maryland, 373 U.S. 83 (1963), United States v Agurs, 427 U.S. 97 (1976), and Giglio v United States, 405 U.S. 105 (1972). A list of such of evidence shall be prepared and signed by all counsel. Copies of the items which have been disclosed shall be initialed or otherwise marked. Nothing in this Order shall be construed to require the disclosure of Jencks Act material prior to the time that its disclosure is required by law.

2. **DISCLOSURE DECLINED:** If, in the judgement of government counsel, it would be detrimental to the government's interests to make any of the disclosures set forth in the paragraph above, such disclosure may be declined. Any declination shall be confirmed in writing, with a copy provided to the Court. Any defendant who seeks to challenge the declination shall move for relief immediately.

3. **CONTINUING DUTY:** This duty to disclose is continuing, even throughout trial.

4. **DISCOVERY BY THE GOVERNMENT:** This Order is not designed to preclude discovery by the government under the Federal Rules of Criminal Procedure.

5. **EXHIBITS:**

(a) Pre-marking and Listing of Exhibits: All exhibits must be pre-

marked and numbered/lettered consecutively. Plaintiff shall use numbers, Defendant shall use letters. A list of proposed exhibits are to be furnished to the Court, by the above deadline. Actual copies of the exhibits shall be furnished, on the morning of trial. The Court will admit all exhibits not objected to. No further exhibits may be offered in the case except upon the order of the Court for good cause shown. Failure to comply with this procedure will automatically mean that a party's exhibits will not be permitted to be introduced at trial.

(b) Foundation for Exhibits: When defense counsel has inspected an exhibit which the government intends to introduce in evidence, the foundation for its receipt into evidence will be deemed established unless defense counsel files a notice with the court at or before the Final Status Conference that the foundation for admission into evidence of the exhibit will be contested.

(c) Objections to Exhibits: This Order shall not affect the right of a defendant to object at the time of trial to the introduction of an exhibit other than on the basis of foundation.

(d) Scientific Analysis: When a defendant has been made aware of the existence of the scientific analysis of an exhibit, the results of the analysis and the opinion of the scientist will be admitted into evidence unless the defendant files a notice with the court by the time of the Final Status Conference, that the scientific analysis of the exhibit will be contested. Such notice shall state whether the expert is desired as a witness.

6. **WITNESS LIST**: By the deadline established, and to enable the court to better estimate the length of trial, each party shall file a list of witnesses, described by name and description, which it reasonably anticipates will be called to testify at trial, noting the approximate amount of time the party anticipates will be needed for examination of each witness.

7. **JURY INSTRUCTIONS**: By the deadline established, an agreed set of instructions must be submitted to the Court in duplicate.

In addition, each party may submit special instructions.

Instructions should be typed on a separate sheet of 8 ½ x 11 inch paper. If instructions are in dispute, they shall also be provided on a computer disk - WordPerfect format.

8. **VOIR DIRE**: In jury cases, the Court will conduct the initial voir dire. Counsel will be permitted to question prospective jurors.

9. **JUROR NOTE TAKING**: Jurors will be allowed to take notes.

10. **BENCH TRIAL**: In bench trials, proposed findings of fact and conclusions of law must be submitted at the commencement of trial.

11. **CONTINUANCES**: Continuances of trial dates or continuances during trial will not be granted because of unavailability of witnesses. Please notify this Court if Court intervention is necessary to secure witness attendance. Otherwise, witnesses will be expected to be available when called.

FINAL STATUS CONFERENCE

At the Final Status Conference counsel shall be prepared to discuss all matters that will promote a fair and expeditious trial, including but not limited to:

- Anticipated evidentiary issues;
- Length of trial;
- Stipulations which may make it unnecessary to call foundation witnesses;
- Stipulations which may make it unnecessary to prove facts that are uncontested; and
- Stipulations which may make it unnecessary to admit certain exhibits.

Victoria A. Roberts
United States District Judge

Dated:

Copies to:

(Revised 1/01)