

# Criminal Trials (part 1/2)

## TRANSCRIPT ORDERS

If you would like daily copy or real-time services from a court reporter at trial, you must seek permission from the Court before or during your Final Pretrial Conference.

## EXHIBITS

**Agreement as to Admissibility:** Counsel for the government is urged to make reasonable efforts to reach agreement with counsel for the defense concerning the admissibility of each intended physical exhibit prior to trial. In the event such agreement is reached, a list of such exhibits is to be prepared by government counsel for entry at the opening of trial, and the exhibits will be considered admitted at the outset.

**Marking of Exhibits:** Counsel is required to mark all proposed exhibits in advance of trial. The government's exhibits shall use numbers and defendant's exhibits shall use letters. A consecutive numbering and lettering system should be used by each party.

**List of Exhibits:** A list of proposed exhibits shall be submitted directly to Chambers by each of the parties by the deadline established at the final pretrial conference. However, no later than one week before the final pretrial conference, each party shall make available for inspection all exhibits which that party will introduce at trial. This provision shall not extend the time for disclosure and inspection of material previously ordered herein.

**Foundation Issues and Motions in Limine:** Motions in limine and any notices of intent to contest foundation, chain-of-custody, or scientific analysis shall be filed at or before the final pre-trial conference. Unless the items or exhibits are unusually voluminous, any notice of intent to contest foundation, chain-of-custody, or scientific analysis shall provide a brief item-by-item or exhibit-by-exhibit description of the good faith basis for any objection.

**Objections to Exhibits:** These guidelines shall not affect the right of a party to object at the time of trial to the introduction of an exhibit other than on the basis of authentication and foundation.

**Custody and Record of Admitted Exhibits:** Counsel should refer to and comply with the *Standing Order of Discovery for this District*.

**Presentation of Exhibits During Trial:** The Court encourages parties to use electronic projection to present exhibits during trial in a manner that allows the jury, the Court, attorneys, and parties to view the exhibit simultaneously. If photographs and documentary exhibits are not presented electronically, then the party must prepare exhibit books for the Court and each juror. Whether or not exhibits are presented electronically, a separate exhibit book should be prepared and made available to a witness who is to be questioned about an exhibit.

**Preparing Exhibits for Jury Deliberation:** Counsel must confer and purge from one set of binders or files all exhibits not admitted during the course of trial. Originals of all exhibits admitted at trial should be ready to be turned over to the jury foreperson prior to closing jury instructions so that jury deliberations are not delayed.

**Filing Exhibits:** It is the responsibility of the parties to ensure that the record is complete.

**Full Disclosure:** Computer-generated visual or animated evidence, together with underlying data, must be disclosed to opposing counsel at least one week before the start of trial.

Penalty: A party who does not abide by these provisions may be subject to sanctions, including preclusion of the introduction of exhibits at trial by the offending party.

## **WITNESS LISTS**

By the deadline established in the Scheduling Order, and to enable the Court to better estimate the length of trial, each party shall submit directly to Chambers via the Utilities feature of CM/ECF a list of witnesses, by name and agency (if appropriate), whom it reasonably anticipates it will call to testify at trial. This list shall note the approximate amount of time needed for the examination of each witness. The list must be served on opposing counsel; proof of service must be attached. This list and proof of service are not to be electronically filed or otherwise submitted to the Clerk's Office.