Criminal Practice and Procedure

ATTORNEY CONFERENCE AND DISCLOSURE

Within ten 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, or government counsel shall file the Discovery Notice attached to E.D. Mich. Administrative Order No. 03-AO-027.

Upon the request of defense counsel, government counsel shall:

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

B. permit defense counsel to inspect and 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. 150 (1972).

A list of such evidence shall be prepared and signed by all counsel. Copies of the items which have been disclosed shall be initialed or otherwise marked.

DISCLOSURE DECLINED

If, in the judgment of government counsel, it would be detrimental to the government's interests to make any of the disclosures set forth in the paragraph above, the government shall file a motion within the ten-day period seeking relief from this Order and setting forth the specific reasons for its request.

CONTINUING DUTY

The duty to disclose is continuing, even throughout trial.

DISCOVERY BY THE GOVERNMENT

Nothing in these procedures is designed to preclude discovery by the government under the Federal Rules of Criminal Procedure, nor to alter the defendant's obligation, if any, under Rule 16(b).

EARLY DISCLOSURE OF JENCKS MATERIAL

The Court encourages the government to disclose Jencks Act (18 U.S.C. § 3500) materials well in advance of the trial. In the event that some Jencks Act materials are not disclosed sufficiently in advance of a government witness' testimony, the Court may allow a reasonable amount of additional time during trial for the defense to prepare before proceeding.

PRESENCE OF THE DEFENDANT

The defendant must be present at all court hearings unless the Court has granted prior approval for the defendant's absence. If a writ is required, it must be submitted 30 days before the court date.

Before any pre-trial motion is filed, compliance with Local Criminal Rule 12.1 must be observed.