

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)		
)		
UNITED STATES OF AMERICA,)		
Plaintiff(s),)		
)		
v.)	Criminal Action No.	-cr- -MJJ
)		
)		
,)		
Defendant(s).)		
_____)		

ORDER SETTING CRIMINAL JURY TRIAL

JOUN, J.

It is ORDERED that the trial of this case will commence with jury selection on **Monday,** _____, **at 9:00 a.m.** in Courtroom 20 on the 7th floor. Trial will be conducted on a 9:00 a.m. to 1:00 p.m. schedule until deliberations. However, jury selection will proceed all day, if necessary, until completed. If jury selection ends before 1:00 p.m. on the first day of trial, opening statements and presentation of evidence will follow immediately thereafter and continue until 1:00 p.m. The Court will meet with counsel at **8:30 a.m.** each day to resolve evidentiary or other legal issues.

1. It is further ORDERED that counsel shall appear for a Final Pretrial Conference on **Thursday,** _____, **at 3:00 p.m.** in Courtroom 20 on the 7th Floor. Unless excused by the Court, each party shall be represented at the Final Pretrial Conference by counsel who will conduct the trial.

2. In preparation for the Final Pretrial Conference, it is ORDERED that the government shall disclose, **no later than four (4) weeks before** the Final Pretrial Conference, the following:

- a. Exculpatory Information: Disclose to the defendant the exculpatory information identified in Local Rule 116.2 that has not been previously produced;
- b. Prior Bad Acts Evidence: Disclose to the defendant a general description (including the approximate date, time, and place) of any crime, wrong, or act the government proposes to offer pursuant to Fed. R. Evid. 404(b);
- c. Witnesses: Absent written objection, provide the defendants with the names and addresses of witnesses the government intends to call at trial in its case-in-chief. If the government subsequently forms an intent to call any other witness, the government shall promptly notify the defendant of the name and address of that prospective witness;
- d. Witness Statements: Produce statements (as defined in 18 U.S.C. § 3500(e) and Fed. R. Crim. P. 26.2(f)) of witnesses it intends to call in its case-in-chief;
- e. Exhibits: Absent written objection, provide the defendants with copies of the exhibits and a premarked list of exhibits the government intends to offer in its case-in-chief. If the government subsequently decides to offer any additional exhibit in its case-in-chief, the government shall promptly provide the defendant with a copy of the exhibit and a supplemental exhibit list.

3. Following the disclosures made pursuant to the previous paragraph, the parties shall serve upon one another, the following:

- a. Motions in Limine, Voir Dire Questions and Jury Instructions: The parties shall, **[two weeks before the FPTC]**, file proposed voir dire questions, proposed jury instructions and any motions in limine with supporting memoranda.
- b. Oppositions: The parties shall file, **[one week later]**, responses to any motion in limine and any objections to the other party's proposed voir dire questions and jury instructions. Objections to jury instructions should include citations to authority where appropriate. If objections include proposed modifications of the voir dire questions or jury instructions, such proposed modifications shall be presented using underlining (for proposed additions) and strike-out (for proposed deletions). Parties shall also provide the clerk, by email or disc, modifiable Microsoft Word copies of this submission.

4. In further preparation for the Final Pretrial Conference, it is ORDERED that the

Defendant shall file **at least two (2) weeks before** the Final Pretrial Conference, the following:

- a. Witnesses: Absent written objection, provide the government with the names and addresses of the witnesses the defendants intend to call in their case-in-chief. If the defendants subsequently form an intent to call any other witness in their case-in-chief, they shall promptly notify the government of the name and address of that witness;
- b. Witness Statements: Absent written objection, produce statements (as defined in 18 U.S.C. § 3500(e) and Fed. R. Crim. P. 26.2(f)) of witnesses they intend to call in their case-in-chief;
- c. Exhibits: Absent written objection, provide the government with copies of the exhibits and a premarked list of the exhibits the defendants intend to offer in their case-in-chief. If the defendants subsequently decide to offer any additional exhibits in their case-in-chief, they shall promptly provide the government with a copy of the exhibit and a supplemental exhibit list.

5. The parties shall prepare and file no later than **seven (7) days before** the Final Pretrial

Conference, the following:

- a. Stipulated Facts: File a written stipulation of any facts that they agree are not in dispute;
- b. Exhibits: File a joint exhibit list of all exhibits that a party may offer at trial, identified and marked by a single sequence of letters, regardless of which party is the proponent of an exhibit, with gaps as necessary to reflect any documents the parties no longer may offer at trial, and including notation as to those items the party expects to offer and those it may offer if the need arises, and noting as to each document whether the opposing party: (1) objects to the document; (2) may object to the document and reserves its position on the issue at this time; or (3) has no objection to the document. The list shall be filed in the form of the chart in attached Appendix A;
- c. Witnesses: File a list of all witnesses they may call at trial to be read to the jury during voir dire;
- d. Trial Brief: File a trial brief addressing any and all foreseeable disputes concerning issues of law;
- e. Courtesy Copies: Provide the court with a disc containing courtesy copies of all exhibits, numbered according to the single sequence agreed on by the parties. In addition, Parties shall provide hard copies of these documents by mail to the

clerk's office. The exhibits shall be pre-marked with exhibit stickers containing the numbering set forth in the joint list of all exhibits, and should have extraneous prior exhibit numbers, exhibit stickers, or other numbering removed. Extensions for filing will not be granted without showing of exceptional cause;

- f. The names, addresses, and telephone numbers of trial counsel.

NOTE: IF THE COURT RESCHEDULES THE TRIAL, ALL SUBMISSION DATES IN THIS ORDER REMAIN IN EFFECT UNLESS COUNSEL FILE A MOTION SEEKING LEAVE OF COURT TO MODIFY THEM TO SPECIFICALLY DESIGNATED DATES.

SO ORDERED.

Dated:

Myong J. Joun
United States District Judge

APPENDIX A
USE THIS FORMAT FOR PREPARATION OF THE EXHIBIT LIST:

1	2	3	4	5
Exhibit Letter for Identification	Briefly Describe	Party Offering Exhibit	Party's Objection	Party's Explanation for Objection

SAMPLE EXHIBIT LIST

1	2	3	4	5
Exhibit Letter for Identification	Briefly Describe	Party Offering Exhibit	Party's Objection	Party's Explanation for Objection
A	Hospital record 1/1/2000	Pl.		
B	Photo of accident scene	Def.		
C	Police report	Pl.		