

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff (s),)	No. CR- -FMS
)	
vs.)	CRIMINAL
)	PRETRIAL ORDER
)	
)	
)	
)	
Defendant (s).)	
_____)	

Good cause appearing, it is hereby **ORDERED** that:

TRIAL DATE: _____ at _____, Courtroom 5, 17th Floor and will be before the COURT/JURY.

TRIAL LENGTH is estimated to be _____ days.

MOTIONS - All motions shall be heard on _____ at _____ in Courtroom No. 5, and shall comply with Crim L.R. 47-2. Before filing any motion, counsel for defendant and for the government shall confer concerning any matter covered by Crim L.R. 17.1(b) relevant to the case, in particular, subparagraphs (1), (2) and (3).

PRETRIAL CONFERENCE - A Pretrial Conference shall be held at _____, on _____ in Courtroom No. 5. Not less than four days before the Pretrial Conference, counsel for the government shall:

- (1) Serve and file a trial memorandum briefly stating the legal bases for the charges and the anticipated evidence, and addressing any evidentiary, procedural or other anticipated legal issues;
- (2) Serve and file a list of all witnesses who may be called, together with a brief summary of the testimony of each;
- (3) Serve and file proposed jury instructions on all substantive issues and on any procedural issue not adequately covered by the Court's standard instructions (which are published in the Ninth

Circuit Manual of Model Jury Instructions);

(4) Serve and lodge a proposed form of verdict and proposed questions for jury voir dire; and

(5) Serve copies of all exhibits to parties and Court to be offered at trial, together with a complete list of those exhibits. Each item shall be premarked; generally, the government shall use numbers, the defendant, letters. The actual exhibits should NOT be filed with the court, only the exhibit lists must be filed with the Court. The Court's copy of the actual exhibits should be handed up in court on the day of the trial.

Not less than four days before the Pretrial Conference, defense counsel shall comply with subparagraphs (3) and (4) above, and, to the extent consistent with the defendant's right to an effective defense, with subparagraphs (1), (2) and (5) above.

In particular, counsel shall confer in advance and be prepared to discuss with the Court any anticipated evidentiary objections and any means for shortening and simplifying the trial (e.g., by stipulating to such matters as chain of custody, nature of substances, use of the mails, etc.).

COPIES - Each document filed or lodged with the Court must be accompanied by a copy for use in the Judge's chambers. In addition, one copy of the witness and exhibit lists should be furnished to the court reporter.

TRANSCRIPTS - If transcripts will be requested during or immediately after trial, arrangements must be made with the court reporter at least one week before trial commences.

CHANGE OF PLEA - Counsel shall give prompt notice to the United States attorney and to the Court of any intention to change a previously entered not guilty plea.

EXHIBITS - Each party is responsible for their exhibits. Upon the conclusion of the trial, each party shall retain their exhibits. Should an appeal be taken, it is each parties responsibility to make arrangements with the Clerk of the Court to file the record on appeal.

DATED:

FERN M. SMITH
United States District Judge