

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**STANDING ORDER RE CRIMINAL TRIALS
JUDGE BETH LABSON FREEMAN**

I. SCHEDULE

Trials are scheduled to commence Monday mornings at 9:00 a.m. Trial will proceed each day except Thursday.

Pretrial Conferences in criminal cases are held on Thursdays at 1:30 p.m.

II. APPLICATION OF STANDING ORDER

The following requirements apply to the Government and, to the extent consistent with Defendant's right to an effective defense, to Defendant.

III. JOINT PRETRIAL STATEMENT

At least 7 days before the Pretrial Conference, unless otherwise ordered, the parties shall file a Joint Pretrial Statement addressing all items listed in Criminal Local Rule 17.1-1(b).

IV. JURY MATERIALS

At least 7 days prior to the final Pretrial Conference, the parties shall file and serve the following materials. All jury materials must be submitted in hard copy and in word processing format via e-mail to BLFpo@cand.uscourts.gov.

A. Voir Dire Questions

The Court will conduct the initial voir dire. Counsel may submit for the Court's consideration an *agreed upon* set of voir dire questions to be posed by the Court. Any voir dire questions on which counsel cannot agree may be submitted separately. Counsel will be allowed a brief (15 minutes) follow-up voir dire after the Court's questioning.

B. Jury Instructions

1. Joint Set of Instructions

The parties shall submit a complete joint set of proposed jury instructions, arranged in a logical sequence, which incorporates the *Model Jury Instructions of the Ninth Circuit* to the extent feasible and appropriate.

2. Stipulated Instructions

If an instruction is undisputed, it shall be identified as “Stipulated Instruction No. ___ re _____,” with the blanks filled in as appropriate. Even if stipulated, the instruction shall be supported by citation to the *Model Jury Instructions of the Ninth Circuit* or other authority.

3. Disputed Instructions

If an instruction is disputed, all versions of the instruction shall be inserted together in the logical place for the instruction in the overall sequence. A disputed instruction shall be identified as “Disputed Instruction No. ___ re _____ offered by _____,” with the blanks filled in as appropriate. All disputed versions of the same instruction shall bear the same number. If a party does not have an alternate version but contends that no such instruction should be given, that party should so state on a separate page inserted in lieu of an alternate version. Each party should support its position regarding a disputed instruction with a brief argument and citation to relevant authority, set forth immediately following the disputed instruction. The parties are encouraged to keep disputed instructions to a minimum.

C. Verdict Form

The parties shall submit a joint proposed verdict form. If the parties are unable to stipulate to a verdict form, each party shall submit a proposed verdict form.

V. WITNESSES

At least 7 days before the Pretrial Conference, the parties shall file a witness list that includes a brief summary of the testimony of each witness.

VI. EXHIBITS

A. Pre-Marked

All exhibits shall be pre-marked for identification with numbers (not letters) by means of exhibit tags affixed to the back of the last page of each exhibit. Sample tags are attached hereto.

B. Exhibit Lists

At least 7 days before the Pretrial Conference, each party shall file an exhibit list and serve upon all other parties copies of all pre-marked exhibits.

C. Delivery to Court

Unless otherwise ordered, on the Thursday prior to commencement of trial, the parties shall deliver to Tiffany Salinas-Harwell, Courtroom Deputy to Judge Freeman, 1 original set of exhibits and 1 complete copy of the original set. The copy set of exhibits need not be tagged, but the exhibits contained therein must be labeled clearly. Both sets of exhibits – the original and the copy – shall be in three-ring binders with the exhibits separated by tabs denoting the exhibit numbers.

VII. MOTIONS IN LIMINE

The parties shall file and serve any motions in limine at least 14 days before the Pretrial Conference, and any opposition thereto at least 7 days before the Pretrial Conference. Reply briefs are not permitted. Unless otherwise ordered by the Court, motions in limine will be heard at the Pretrial Conference. Each motion shall be presented in a separate document and shall be numbered as, for example, “Plaintiff’s Motion in Limine No. 1 to Exclude. . . .” Briefing on each motion shall not exceed 5 pages per side.

VIII. TRIAL MEMORANDUM

At least 7 days before the Pretrial Conference, each party shall file a trial memorandum that briefly states the legal bases for the charges, describes the anticipated evidence, and addresses any evidentiary, procedural, or other legal issues.

IX. ADDITIONAL MATTERS

A. Opening Statements

Parties must meet and confer to exchange any visuals, graphics, or exhibits to be used in opening statements. Any objections that cannot be resolved by the parties shall be filed not later than the Thursday before commencement of trial.

B. Change of Plea

Defense counsel shall give prompt notice to the United States Attorney and to the Court of any intention to change a previously entered plea of not guilty.

C. Filing of Admitted Exhibits

Upon the conclusion of the trial, the admitted exhibits will be filed by the Court.
The exhibits not admitted will be returned to counsel.

Dated: May 30, 2019

A handwritten signature in black ink that reads "Beth Labson Freeman". The signature is written in a cursive style with a large initial "B".

BETH LABSON FREEMAN
United States District Judge

<p align="center">UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA</p> <p>Case No:</p> <p>Joint / Plaintiff / Defendant Exh. No.:</p> <p>Date Admitted:</p> <p>By: Tiffany Salinas-Harwell, Deputy Clerk</p>	<p align="center">UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA</p> <p>Case No:</p> <p>Joint / Plaintiff / Defendant Exh. No.:</p> <p>Date Admitted:</p> <p>By: Tiffany Salinas-Harwell, Deputy Clerk</p>	<p align="center">UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA</p> <p>Case No:</p> <p>Joint / Plaintiff / Defendant Exh. No.:</p> <p>Date Admitted:</p> <p>By: Tiffany Salinas-Harwell, Deputy Clerk</p>
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