

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

Cr. No. _____ T

PRETRIAL ORDER

The above matter having been placed on the trial calendar for _____, with impanelment scheduled for _____, it is hereby

ORDERED:

1. Absent a showing of good cause:

a. No plea agreements will be accepted by the Court unless submitted in writing at least one week before impanelment. See Fed. R. Crim. P. 11(e)(5).

b. No plea agreements providing for the dismissal of other counts (See Fed. R. Crim. P. 11(e)(1)(A)) will be accepted unless sufficient information is presented to enable the Court to determine what effect such dismissal may have on the applicable sentencing guideline range and whether the remaining charges adequately reflect the seriousness of actual offense behavior. See U.S.S.G. § 6B1.2(a).

c. No pleas will be accepted by the Court during the one week period preceding impanelment unless they have been scheduled before that period.

Counsel also are reminded that, under Guidelines § 3E1.1(b)(2), only timely pleas qualify for a three level reduction for acceptance of responsibility.

2. On or before **ONE WEEK PRIOR TO JURY SELECTION,** all counsel shall submit to the Court the following:

a. An original and one copy of a memorandum containing a brief analysis of the applicable law (including that applicable

to any evidentiary issues that counsel anticipate), and a description of any matters that counsel believe ought to be considered by the Court prior to trial;

b. A list of all questions that counsel requests the Court to ask of prospective jurors during voir dire examination.

3. All counsel shall file with the Court and serve upon counsel for all other parties, any instructions that counsel requests be included in the Court's charge to the jury.

Each request shall be numbered and shall be set forth on a separate page in order to facilitate possible integration into the Court's charge. No request will be considered without such a citation.

In order to ensure that such requests receive maximum consideration, counsel should submit them prior to trial. However, they must be submitted no later than the commencement of trial.

Any claim or defense for which no proposed charge is submitted may be deemed waived and failure to object to any proposed charge may be deemed a waiver of any objection to such proposed charge.

4. On or before **TWO WEEKS PRIOR TO JURY SELECTION**, counsel for each party shall submit to the Court a precise estimate regarding the number of days required to present his or her case.

5. On or before **TWO WEEKS PRIOR TO JURY SELECTION**, counsel for any party that proposes to offer a recorded conversation or any portion thereof as evidence shall:

- a. Identify each recorded conversation to be offered; and,
- b. furnish the Court and counsel for all other parties a transcript of each such conversation; and,
- c. provide an estimate of the approximate playing time

of each such recording.

Not more than seven days thereafter:

Counsel for any party disputing the audibility or completeness of such recording or the accuracy of any such transcript shall file an objection stating the precise nature of the objection and the specific portions of the recording or transcript that such party contends are inaudible, incomplete or inaccurate.

Objections to the accuracy or completeness of transcripts shall be accompanied by a copy of the transcript objected to on which proposed deletions and corrections are noted.

In offering recorded conversations, counsel shall make every effort to edit out footage that contains no audible discussion or contains irrelevant material in order that the jury will not be required to listen for protracted periods of time to material that provides little or no assistance in determining the pertinent facts. Counsel for any party objecting to the omission of any portion of the recorded conversation shall furnish the Court and counsel for all other parties with an alternative transcript that includes the omitted portion(s) and a statement explaining why those portions should be included.

Any disputes regarding editing and/or the accuracy of transcripts shall be called to the Court's attention promptly.

Failure to comply with the provisions of this paragraph may be considered by the Court as a waiver by the proponent of the right to offer the recorded conversation(s) at issue; or, alternatively, as a waiver of the right to object to admission of the recorded conversation(s) and/or to dispute the accuracy or completeness of the transcript, as the case may be.

6. Before presenting evidence, each party shall submit to the Court a typed or printed list, double spaced, of all exhibits

that such party intends to offer. In the case of the government, the exhibits shall be numbered in sequential order (e.g., 1, 2, 3, etc.). In the case of the defendant, the exhibits shall be marked alphabetically (e.g., A, B, C, etc.).

At or before the conclusion of the evidence, counsel for each party shall submit a "clean" list of exhibits offered by such party that have been admitted into evidence. Such lists shall be in a form suitable for submission to the jury and shall set forth the following information with respect to each exhibit to the extent applicable:

- a. Exhibit Number
- b. Date
- c. A brief description of the exhibit that will enable the jurors to identify it but which does not characterize the exhibits or its contents (e.g. letter from A to B; photograph of 100 Main Street).

BY ORDER:

Deputy Clerk

ENTER:

Ernest C. Torres
United States District Judge
Date: _____

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