UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. SABER SHEHADEH, Defendant.	No. 2:16-cr-00038-MCE FINAL PRETRIAL ORDER TRIAL DATE: May 14, 2018 TIME: 9:00 a.m.

A Trial Confirmation Hearing was held on March 15, 2018. Michael Anderson and Christopher Hales appeared as counsel for the United States. Todd Leras appeared as counsel for the Defendant Saber Shehadeh. After hearing, the Court makes the following findings and orders:

I. DATE AND LENGTH OF TRIAL

A trial is scheduled for May 14, 2018, at 9:00 a.m. in courtroom 7. The estimated length of trial is **nine (9) days.** The Court will permit each side up to one (1) hour for closing arguments unless otherwise specifically ordered by the Court. The United States of America will be permitted to reserve time for rebuttal purposes, but will be required to monitor any time so reserved.

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II. MOTIONS IN LIMINE

Any motions in limine shall be filed by April 16, 2018. Any opposition(s) to those motions in limine shall be filed by April 23, 2018. Any reply(ies) shall be filed by April 30, 2018. Hearing on motions in limine is scheduled for May 3, 2018, at 10:00 a.m. in courtroom 7.

III. AGREED STATEMENTS - JOINT STATEMENT OF CASE

It is mandatory the parties file a short, jointly-prepared statement concerning the nature of this case that will be read to the jury at the commencement of trial. The joint statement of the case shall include in plain concise language the claims of the United States of America and claims of other parties, if any. The purpose of the joint statement of the case is to inform the jury at the outset what the case is about. The statement must be filed by April 30, 2018.

IV. TRIAL BRIEFS

The parties shall file trial briefs not later than April 30, 2018.

V. WITNESSES

The Government is ordered to file their witness list on or before April 30, 2018. The Defendant is ordered to file his witness lists on or before May 7, 2018. Each party may call a witness designated by the other. The parties must expressly reserve the right to call additional witnesses at trial.

VI. EXHIBITS - SCHEDULES AND SUMMARIES

The Government is ordered to file their exhibit list on or before April 30, 2018. The Defendant is ordered to file his exhibit lists on or before May 7, 2018. The parties must expressly reserve the right to offer additional exhibits at trial.

The United States' exhibits shall be listed numerically. Defendant's exhibits shall be listed alphabetically. After A-Z is exhausted, defense counsel is to use 2A through 100A, then begin with 2B through 100B, and so on through 2Z through 100Z. Each page in all multi-page exhibits shall be marked for identification and all photographs must be marked individually.

Each party may use an exhibit designated by the other. In the event the United States and the Defendant offer the same exhibit during trial, that exhibit shall be referred to by the designation the exhibit is first identified. The Court cautions the parties to pay attention to this detail so that all concerned, including the jury, will not be confused by one exhibit being identified by both the United States and the Defendant.

Exhibit lists must be in Microsoft Word, filed in the table format as shown below, and emailed to mceorders@caed.uscourts.gov by May 7, 2018.

EXHIBIT IDENTIFICATION	EXHIBIT DESCRIPTION	DATE OFFERED	DATE ADMITTED

The parties are ordered to provide an electronic version of exhibits and their exhibit lists to the Courtroom Deputy on a jump drive (also known as, among other things, a flash drive, USB drive, etc.) by May 7, 2018. Unless otherwise ordered by the Court, the parties shall retain custody of any physical exhibits incapable of being submitted electronically and shall remain responsible for the custody of those exhibits throughout the duration of the trial.

The Court shall be presented with one copy of the exhibit(s) in a 3-ring binder(s) with a side tab identifying each exhibit by number or letter by May 7, 2018. Each binder shall be no larger than three inches in width and have an identification label on the front and side panel.

VII. PROPOSED JURY INSTRUCTIONS, VOIR DIRE, VERDICT FORM

A. Jury Instructions

Counsel shall primarily use the Ninth Circuit Model Jury Instructions and any revisions. However, instructions or authority may be submitted to the Court for approval.

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Attached for counsels' review are the Court's standard opening and closing instructions for your use, taken from the Ninth Circuit's Model Jury Instructions. If counsel has no objections to the Court's use of these opening and closing instructions, counsel need not submit their own opening and closing instructions.

The proposed instructions must be filed by April 30, 2018, and shall be identified as the "Jury Instructions Without Objection."

All proposed instructions shall be, to the extent possible, concise, understandable, and free from argument. See Local Rule 163(c). Parties shall also note that any modifications of instructions from statutory authority, case law or from any form of pattern instructions must specifically state the modification by underlining additions and bracketing deletions.

B. Verdict Form

The parties are ordered to file their respective proposed verdict form(s) on or before April 30, 2018.

C. Voir Dire

The parties are ordered to file their respective proposed voir dire on or before April 30, 2018. The Court reserves the right to conduct all examination of prospective jurors. Notwithstanding this reservation, the Court will permit each side up to ten (10) minutes to conduct further voir dire, if desired.

D. Submission of Documents to the Court

At the time of filing their respective proposed jury instruction(s), verdict form(s) and witness list(s), counsel shall also electronically mail these filings to the Court, in Microsoft Word format. **These documents MUST be sent to: mceorders@caed.uscourts.gov.**

VIII. CHOICE NOT TO FILE DOCUMENTS

Should either party choose not to file a trial brief, witness list, exhibit list, proposed voir dire, proposed jury instructions, or proposed verdict forms, that party must notify the Court in writing by April 30, 2018, that it will not be filing such documents.

IX. AUDIO/VISUAL EQUIPMENT

The parties are required to file electronically a joint request to the Courtroom Deputy Clerk by April 30, 2018, if they wish to reserve and arrange for orientation with all parties on the Court's mobile audio/visual equipment for presentation of evidence. There will be one date and time for such orientation.

X. OBJECTIONS TO FINAL PRETRIAL ORDER

Each party is granted five (5) court days from the date of this Final Pretrial Order to object to any part of this Order or to request augmentation to it. The Final Pretrial Order will be modified only upon a showing of manifest injustice. If no objection or modifications are made, this Order will become final without further order of the Court and shall control the subsequent course of the action.

Dated: March 27, 2018

MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE