UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL MAXWELL, Defendant.	No. 2:17-cr-00101-MCE FINAL PRETRIAL ORDER TRIAL DATE: August 12, 2019 TIME: 9:00 a.m.

A Trial Confirmation Hearing was held on July 25, 2019. Heiko Coppola appeared as counsel for the United States. Alexandra Negin and Mia Crager appeared as counsel for the Defendant. After hearing, the Court makes the following findings and orders:

I. DATE AND LENGTH OF TRIAL

A trial is scheduled for **August 12, 2019** at 9:00 a.m. in courtroom 7. The estimated length of trial is three (3) 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 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 in **one** document by **July 30, 2019**. Any opposition(s) to those motions in limine shall be filed in **one** document by **August 2, 2019**. Any reply(ies) shall be filed in **one** document by **August 6, 2019**. Hearing on motions in limine is scheduled for **August 8, 2019** 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 **August 6, 2019**.

IV. TRIAL BRIEFS

The parties shall file trial briefs not later than **August 6, 2019**.

V. WITNESSES

The parties are ordered to file their witness lists on or before **August 6, 2019**. 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 parties are ordered to file their exhibit lists on or before **August 6, 2019**. 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 A2 through Z2, then begin with A3 through Z3, and so on. Each page in all multi-page exhibits shall be marked for identification and all photographs must be marked individually.

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A footer must be used to mark exhibits and must be in the following format: Case Number, Case Name, Party Offering Exhibit, Exhibit Number or Letter, Page of Exhibit with length of exhibit.[1]

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 shown below, and emailed to mceorders@caed.uscourts.gov by **August 6, 2019**.

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 **August 6, 2019**. 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 **August 6, 2019**. Each binder shall be no larger than three inches in width and have an identification label on the front and side panel.

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[1] Example of exhibit stamp footer.

VII. PROPOSED VOIR DIRE, JURY INSTRUCTIONS, VERDICT FORM

A. Voir Dire

The parties are ordered to file their proposed voir dire on or before **August 6, 2019**. 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.

B. Jury Instructions

The parties shall primarily use the Ninth Circuit Model Jury Instructions and any revisions. However, instructions or authority may be submitted to the Court for approval. Attached for 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 **August 6, 2019** and shall be identified as "Jury Instructions Without Objection" and/or "Jury Instructions With Objection," respectively.

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.

C. Verdict Form

The parties are ordered to file their proposed verdict forms on or before **August 6, 2019**.

D. Submission of Documents to the Court

At the time of filing their proposed witness list(s), jury instruction(s), and verdict form(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**.**

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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 **August 6, 2019** 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 by **August 6, 2019** 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. PERSONS WITH COMMUNICATION DISABILITIES

To the extent the services of a foreign language interpreter, sign language interpreter or other appropriate auxiliary aids and services are required during the course of this trial, counsel is to notify the Court, in writing, not later than **August 6, 2019**, in addition to contacting the Access Coordinator/Staff Interpreter, Yolanda Riley-Portal, at (916) 930-4221 or yriley-portal@caed.uscourts.gov. The foreign language interpreter must be a court certified interpreter in good standing and have an oath on file with this Court prior to the commencement of trial.

XI. OBJECTIONS TO FINAL PRETRIAL ORDER

The parties may file an objection or request augmentation of this Final Pretrial Order not later than **July 29, 2019**. 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: July 25, 2019

MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE