

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	Case No. 3: _____
	:	
Plaintiff,	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
_____,	:	
	:	
Defendant.	:	

CRIMINAL PRETRIAL SCHEDULING ORDER

Defendant has entered a plea of not guilty to the charges filed in this case. To facilitate preparation for trial and eliminate unnecessary delays in the presentation of evidence and examination of witnesses, the Court establishes the following schedule and pretrial procedures that will govern the conduct of this petty offense case from arraignment to trial.

I. TRIAL DATE

This case is set for a bench trial on **Monday**, _____ at **9:00 a.m.** and, if necessary, **Tuesday**, _____ at **9:00 a.m.**

II. DISCOVERY AND INSPECTION

The attorney for the Defendant (or Defendant, if proceeding *pro se*) is directed to contact the Assistant U.S. Attorney in charge of prosecuting the case forthwith and arrange a meeting to resolve all of Defendant's requests for discovery under the Federal Rules of Criminal Procedure, including Rules 12(b)(4)(B) and 16. The Government shall promptly respond to such requests by the Defendant and make all disclosures of evidence required under Rule 16(b).

The initial discovery meeting shall be held as promptly as possible, and in any event no later than fourteen (14) days after the arraignment. If at any time during the course of these proceedings any party fails to comply with Fed. R. Crim. P. 16, such failure shall be brought to the attention of the Court by means of a motion to compel discovery. Motions to compel discovery shall be filed within one week of the date of a party's denial of a request.

Any duty of disclosure and discovery is a continuing duty.

This Order is not intended to preclude discovery by the Government as permitted by the Federal Rules of Criminal Procedure.

III. MOTIONS

Any motion for continuance of the trial date shall be in writing and filed on or before _____ (i.e., ten days before trial). The motion shall state whether it is unopposed and provide good cause for continuing the trial.

All other written motions, by Defendant or the Government, shall be filed on or before _____ (i.e., three weeks before trial). Briefs opposing such motions shall be filed within one week after the date the motion is filed. Reply briefs will not be filed without leave of Court. Each motion shall state whether an evidentiary hearing is required or requested. If the Court agrees, then it will promptly schedule an evidentiary hearing.

Oral motions *in limine* may be made at any time before the close of evidence at trial.

IV. PLEA NEGOTIATIONS AND PLEA AGREEMENT

The Court shall not be involved in any plea negotiations. If a plea agreement is reached, then the parties shall promptly notify the Court and request a date for a change of plea hearing.

V. EXHIBITS

Each party intending to offer exhibits (i.e., documents, photographs, or other materials expected to be used at trial) shall pre-mark them prior to trial. Exhibit labels may be obtained from the Courtroom Deputy or Clerk of Courts, if necessary. Exhibits shall be sequentially numbered with Arabic numerals and contain the appropriate prefix (joint exhibits are “JX-000”, plaintiff exhibits are “PX-000”, and defendant exhibits are “DX-000”). Each page of a multi-page exhibit shall be numbered with a distinctive number (e.g., a Bates number). All exhibits shall be assembled in 3-ring binders, sufficiently large to permit easy access during trial, with numbered tabs that correspond to the number of each exhibit.

Unless otherwise ordered by the Court, each party shall provide its pre-marked exhibits—either physical copies or, if agreed to by the parties, electronic copies—to the opposing counsel or party not later than _____ @ **10:00 a.m.** (i.e., seventy-two (72) hours before the final pretrial conference).

Unless otherwise ordered by the Court, each counsel or party shall deposit three complete sets of its exhibits with the Courtroom Deputy not later than **4:00 p.m. on** _____ (i.e., three business days prior to trial). Each set of exhibits shall include a complete list of the exhibits contained therein. Exhibits shall not be filed.

If any sketches, models, diagrams, or demonstrative evidence of any kind will be used during trial or in argument, they shall be exhibited to opposing counsel not later than the final pretrial conference.

VI. FINAL PRETRIAL CONFERENCE

This matter is set for a Final Pretrial Conference on _____ @ 10:00 a.m. (i.e., the Friday morning before trial) in Judge Gentry's Chambers. Counsel for the parties (and/or Defendant, if proceeding *pro se*) shall be prepared to discuss the following issues:

- (A) Identification, Order and Separation of Witnesses
- (B) Motions in Limine (if they remain pending)
- (C) Admissibility of Exhibits (note that parties may reserve objections for trial)
- (D) Stipulations (if any)
- (E) Contested Legal Issues (if any)
- (F) Need for Audio-Visual or Other Equipment
- (G) Miscellaneous Issues

VII. CONCLUSION

Parties are reminded that all deadlines set forth in this Order are firm. Parties **SHALL** file or submit to the Court's chambers all required documents by the dates set forth in this order unless prior approval of the Court has been obtained to extend a particular deadline, upon good cause shown. Failure to comply with this Order may result in sanctions, including but not limited to the denial of untimely motions and the exclusion of evidence.

IT IS SO ORDERED.

Caroline H. Gentry
U.S. Magistrate Judge