

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

	:	<b>Case No.</b>
	:	
<b>Plaintiff(s),</b>	:	<b>JUDGE O'MALLEY</b>
	:	
<b>v.</b>	:	<b><u>CRIMINAL PRETRIAL ORDER</u></b>
	:	
	:	
	:	
<b>Defendant(s) :</b>	:	

Trial of this matter has been scheduled to commence on \_\_\_\_\_, **200**\_\_ at \_  
\_\_\_\_\_.m., in Room 124, United States Courthouse. Final Pretrial is set for \_\_\_\_\_  
\_\_\_\_\_, **200**\_\_ at \_\_\_\_\_.m.

The attention of counsel for all parties is specifically directed to General Order No 119 of the United States District Court for the Northern District of Ohio, adopted September 11, 1990 (Jury Utilization Management Plan), which provides that "plea negotiations must be completed by a date certain in advance of the scheduled trial." Accordingly, the Court will not accept a plea agreement which is submitted later than the date of the final pretrial or one week prior to the date set for trial, whichever is later.

Counsel for the government and counsel for the defendant(s) are directed pursuant to Local Criminal Rule 17.1.1, to comply with each of the following requirements:

Discovery shall be completed on or before \_\_\_\_\_, 200\_\_.

It is the responsibility of counsel to notify the Court in writing immediately of any failure to provide discovery material. The Court will not continue a scheduled trial because of a failure to provide discovery, if this requirement has not been complied with.

**Motions:**

Pretrial motions shall be filed on or before \_\_\_\_\_, 200\_\_. The Court does not look favorably upon the practice of filing pro forma motions. It is expected that every motion filed will be based on real factual need and be supported by a substantial foundation and that such foundation will be explicitly stated in the motion pursuant to Local Criminal Rule 12.1.

Responses to pretrial motions shall be filed on or before \_\_\_\_\_, 200\_\_.

**Trial Documents:**

The following trial documents are to be submitted to the Court not later than **4:00 p.m.**, on \_\_\_\_\_, 200\_\_:

1. Counsel for the parties are directed to confer in person and thereafter submit to the Court, in writing, a concise statement describing the case in an impartial, easily understood manner, which shall be read to the jury panel prior to the voir dire.
2. Counsel for the parties are directed to confer in person, agree upon stipulations, and, if any, reduce them to writing. Stipulations are to be

signed by all counsel and defendant(s) and submitted to the Court.

3. Counsel for the parties are directed to submit to the Court, in writing, a list of voir dire questions and jury instructions. Counsel should confer in person and, to the extent possible, agree upon a complete set of voir dire questions and jury instructions. Additional proposed voir dire questions and proposed jury instructions, which are disputed by the parties, may be submitted to the Court and opposing counsel. Such proposed jury instructions shall be supported by legal authority. THE COURT INTENDS TO ADHERE AS CLOSELY AS POSSIBLE TO PATTERN CRIMINAL JURY INSTRUCTIONS ISSUED BY THE SIXTH CIRCUIT AND THE FEDERAL JUDICIAL CENTER.
4. Counsel for the parties are directed to submit to the Court appropriate memoranda, with citations to legal authority, in support of evidentiary questions and any other legal issues which may reasonably be anticipated to arise at trial.

**Exhibits:**

Prior to trial, counsel for the parties are also directed to complete the following:

1. In the event that demonstrative evidence, such as models or sketches, are intended to be used at trial, counsel are ordered to exchange this evidence no later than two (2) days prior to the date of trial.
2. All exhibits must be marked before trial in accordance with Local Criminal Rule 23.2.
3. Two (2) copies of all exhibits to be used at trial shall be submitted to the Court in a binder, along with an index of the exhibits, not later than the morning of the trial.

The Court will not allow exhibits to be given to the jury during trial without prior approval of the Court. If the Court approves such a request, sufficient copies for each juror must be provided in order that all jurors may view the exhibit simultaneously.

**Continuances:**

The Court will not grant a continuance of a trial or hearing without a written motion stating the reason for the continuance. The Court will not consider any motion for a continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached thereto. The motion shall be filed within fifteen (15) days of counsel becoming aware of the conflict and not less than thirty (30) days prior to trial.

**IT IS SO ORDERED.**

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**KATHLEEN McDONALD O'MALLEY  
UNITED STATES DISTRICT JUDGE**