

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 8:

FINAL CRIMINAL PRETRIAL SCHEDULING ORDER

The Court enters this Final Criminal Pretrial Scheduling Order for the above-captioned case:

1. **Trial.** The jury trial will start on _____ at **9:00 AM** in Courtroom 9B of the United States Courthouse and Federal Building in Tampa, Florida. **All counsel and the Defendant(s) must be present at 8:30 AM to discuss any final pretrial matters.**

2. **Stipulations.** The parties must make every reasonable effort to (a) stipulate to as many trial-related matters as possible, including joint proposed jury instructions, joint exhibit lists, stipulations as to the admissibility of evidence; and (b) limit, narrow, and simplify the issues of fact and law that remain contested for trial.

3. **Conferral of the Parties.** As required by the Local Rules, all motions shall be accompanied by a written statement certifying that counsel for the moving party has conferred with opposing counsel in a good faith effort to resolve by agreement the subject matter of the motion. E-mail

communications shall not be sufficient to constitute conferral. Counsel must actually speak to one another, either in person or over the phone, in a good faith effort to resolve their disputes prior to the filing of any motion.

4. **Final Pretrial Conference.** The Court will notify the parties if a Final Pretrial Conference will be held prior to the first day of trial. The Court typically addresses any pre-trial matters via written motion/joint stipulation at 8:30 AM on the first day of trial before the commencement of jury selection or trial. If there is a procedural or sensitive matter requiring the Court's attention, please contact the undersigned's Courtroom Deputy Clerk, Bettye Samuel, at 813-301-5136 or via [email](#).

5. **Jury Instructions and Verdict Form(s).** The Court requires that counsel confer and file *joint* proposed jury instructions and verdict form(s). This does not mean that the parties necessarily agree on each proposed instruction. **Where parties do not agree on a proposed instruction, that instruction shall be outlined in bold type.** Any instruction proposed only by the Government shall be underlined. *Instructions proposed only by the defense shall be italicized.* A citation to authority must support every instruction. They shall be filed via CM/ECF seven (7) calendar days from the commencement of trial. Additionally, counsel shall email the joint instructions and verdict forms in Microsoft Word® (.doc) format to Judge Badalamenti's [Chambers' inbox](#) and to [Courtroom Deputy Bettye Samuel](#). Please include the

case number and case name in the email subject line. The proposed jury instructions shall be based on the United States Court of Appeals for the Eleventh Circuit's Pattern Jury Instructions. If a pattern instruction is not available for a certain type of instruction, counsel must submit a proposed instruction, citing to case law that supports the requested non-pattern instruction.

Any party unable to comply with this requirement must immediately contact Courtroom Deputy Clerk Bettye Samuel at 813-301-5859 or [email](#) to make other arrangements.

6. **Federal Rule Criminal Procedure 404(b) Evidence.** Any notice submitted pursuant to Federal Rule of Evidence 404(b) must include a specific factual basis for the evidence sought to be introduced.

7. **All Other Motions, Including Motions *In Limine*.** No later than fourteen (14) calendar days prior to the commencement of trial, counsel for each party must file and serve all other motions, including motions *in limine*. Each party shall be limited to the filing of one (1) motion *in limine*, and if there is more than one defendant, the defendants shall file one (1) combined motion *in limine*. Motions *in limine* may not, without leave of the Court, exceed the page limits allowed by the Local Rules. The non-moving party's response(s) to any motion are due within **seven (7) calendar days** after being served with such motion. **Again, the moving party shall confer**

with opposing counsel in an attempt to resolve disputed matters prior to filing the motion(s). And should the parties amicably resolve the subject of a pending motion *in limine*, the parties shall promptly notify the Court that the motion *in limine* has been resolved.

8. **Writs *ad Testificandum*.** All requests for writs *ad testificandum* must be filed no later than fourteen (14) business days prior to the commencement of trial.

9. ***Voir Dire* Questions.** Five (5) calendar days prior to the commencement of a jury trial, counsel for each party must file and serve proposed *voir dire* questions specific to the case. No more than five (5) questions, including all subparts, may be submitted by each party. The Court will conduct *voir dire*, giving due consideration to the parties' proposed case-specific questions. The Court *may*, in its discretion, provide the parties an opportunity to ask follow-up questions. Thus, the parties must be prepared to conduct limited *voir dire* should the Court provide such leave during jury selection. Counsel must also email any proposed *voir dire* questions in Microsoft Word® format to the [Chambers' inbox](#) and cc the same to [Courtroom Deputy Bettye Samuel](#). Please include the case number and case name in the email subject line. Any party unable to comply with this requirement must contact [Courtroom Deputy Bettye Samuel](#) to make other arrangements. Additionally, the Court does not permit backstriking.

10. **Witness Lists.** No later than seven (7) business days prior to commencement of trial, each party must send a confidential email attaching a list of witnesses who may be called at trial – for the Court’s use only – to [Chambers’ inbox](#) and to [Courtroom Deputy Bettye Samuel](#). No later than three (3) business days prior to the commencement of trial, counsel must file in CM/ECF and exchange their final witness lists. Counsel must use the Criminal Witness List form found on the [undersigned’s website](#). When completing the required Witness List form, counsel may ignore the column titled, “Date(s) Testified,” as that column is reserved for the Court. Absent good cause, the Court may not permit the testimony of unlisted witnesses at trial over objection. This restriction does not apply to true rebuttal witnesses, *i.e.*, witnesses whose testimony could not have been reasonably foreseen as necessary. Three copies of those lists shall be provided to the Courtroom Deputy Clerk prior to jury selection on the first day of trial.

11. **Exhibit Lists.** No later than seven (7) business days prior to the commencement of trial, counsel for each party must file and exchange a list of exhibits that may be introduced at trial. Counsel must use the Exhibit List form found on the [undersigned’s website](#). In completing the Exhibit List form, counsel must provide a descriptive notation sufficient to identify each exhibit. In addition, no later than three (3) days prior to the commencement of trial, counsel must email their respective exhibit lists in Microsoft Word® format to

the [Chambers' inbox](#) and [Courtroom Deputy Bettye Samuel](#). Please include the case number and case name in the email subject line. Any party unable to comply with this requirement must contact the Courtroom Deputy Clerk, Bettye Samuel, at 813-301-5136 or via [email](#) to make other arrangements. Three copies of those lists shall be provided to the Courtroom Deputy Clerk prior to jury selection on the first day of trial. Counsel are directed not to file amended exhibit lists throughout the trial.

To avoid duplicate exhibits and confusion in the record, counsel must submit all stipulated exhibits as joint exhibits. Counsel must identify joint exhibits on a single exhibit list rather than separately list the joint exhibits on their individual exhibit lists. For example, if a photograph or medical record is being stipulated into evidence, it should be marked as a joint exhibit and not listed separately on both (all) parties' witness lists. Each party's individual exhibit list should include only additional exhibits to which objections have been asserted.

12. Marking Exhibits. In advance of trial, counsel for each party must mark exhibits using the exhibit tags found on the [undersigned's website](#). Counsel must staple the appropriate-colored, party-specific exhibit tag to the upper-right corner of the first page. In completing the exhibit tags, the Government and Defendant(s) must use consecutive numbers to mark exhibits. For example:

Type of Exhibit	Examples and Instructions	
Government	Gov. 1, Gov. 2, Gov. 3, etc.	
Defendant	Def. 1, Def. 2, Def. 3, etc.	
Multiple Defendants	Number exhibits in the same order as the defendant's name appears on the indictment: D-1 Ex. 1, D-2 Ex. 1, etc.	
Joint Exhibits	Joint 1, Joint 2, Joint 3, etc.	
Composite Exhibits	Mark each exhibit in the composite separately using a number and lower case letter, e.g., Gov. 1a, Gov. 1b, Gov. 1c, etc.	And, identify each exhibit in the composite on a separate line in the exhibit list.

Please direct questions regarding the exhibit lists and the exhibit tags to Courtroom Deputy Bettye Samuel, at 813-301-5136 or via [email](#).

13. **Witness Availability.** Unless otherwise approved by the Court, all witnesses shall be available for all days of the trial. Furthermore, the Court may, in the interests of judicial economy and limited resources, request the parties to call witnesses out of order. Please direct questions regarding witness availability to Courtroom Deputy Bettye Samuel, at 813-301-5136 or via [email](#).

14. **Electronic Exhibit Binder.** No later than one (1) business day before the commencement of trial, counsel for each party must provide the undersigned an **electronic** exhibit binder that contains all individual exhibits and joint exhibits each party intends to introduce at trial. The electronic exhibit binder is for the undersigned's use only and replaces a hardcopy exhibit

binder traditionally submitted to the Court. Because the electronic exhibit binder is for the undersigned to use during a trial or hearing, counsel must still bring paper copies of all individual and joint exhibits that may be introduced at trial for the Courtroom Deputy Clerk.

Each separate exhibit must be saved as a PDF document and then combined with the other exhibits into a single PDF file. The single PDF file is the electronic exhibit binder. Within the single PDF file, counsel must identify each exhibit separately using [PDF bookmarks](#).¹ When possible, counsel should scan an exhibit for the electronic exhibit binder with Optical Character Recognition (OCR). See "Electronic Case Filing Requirements" on the [undersigned's website](#).

The electronic exhibit binder must be emailed to the [Chambers' inbox](#) and to [Courtroom Deputy Bettye Samuel](#). Include the case number and case name in the email subject line. If the file containing the electronic exhibit binder is too large to email, counsel should provide the Court with a USB drive.

15. Courtroom Technology. The Court mandates that counsel use the technology and equipment available in the courtroom and expects counsel

¹ If an exhibit is physical evidence (e.g., drugs, ammunition, firearm), counsel should insert a placeholder exhibit that states, "Exhibit [Number] is [description of exhibit]." If an exhibit contains child pornographic images, counsel should either (a) provide a redacted version of the exhibit, or (b) insert a placeholder exhibit that states, "Exhibit [Number] contains child pornographic images."

to be familiar with them prior to any trial or hearing. At least seven (7) business days prior to the commencement of trial, Counsel should contact Courtroom Deputy Bettye Samuel at 813-301-5136 or via [email](#) to arrange a time for the parties to familiarize themselves with the Court's electronic equipment and perform any testing and/or be trained on the equipment well in advance of trial. Failure to do so may result in the equipment not being available for use.

16. **Defendants in Custody.** Arrangements for appropriate clothing for Defendant(s) in custody must be made with the U.S. Marshal's Office no later than seven (7) days prior to the scheduled trial date.

17. **Sanctions.** A party that does not comply with the preceding paragraphs may be subject to sanctions, including, but not limited to, the preclusion of exhibits and witnesses at trial.

DONE AND ORDERED in Tampa, Florida on _____.

Copies: All Parties of Record