

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Defendant(s).

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CASE NO. CR _____ - RGK

ORDER FOR DISCOVERY
AND INSPECTION IN
CRIMINAL CASES BEFORE JUDGE R. GARY KLAUSNER UNITED STATES DISTRICT COURT

Setting _____ at 9:00 A.M.
as the TRIAL DATE

In order to obviate unnecessary motions for discovery in criminal actions, proceedings, matters or cases assigned to the undersigned court for trial,

IT IS ORDERED:

1. Within ten days of the trial setting of any criminal action, proceeding, matter or case, the United States Attorney or one of his assistants and the defendant's attorney shall meet and confer, and upon request of the attorney for the defendant the Government shall:

(a) Permit defendant's attorney to inspect and copy or photograph any relevant written or recorded statements or confessions made by the defendant, or copies thereof, the existence of which is known, or may become known, to the attorney for the Government;

(b) Permit defendant's attorney to inspect and copy or photograph any relevant results or reports of physical or mental examinations, and of specific tests or experiments made in connection with the case, or copies thereof, within the possession, custody or control of the Government, the existence of which is known, or may become known, to the attorney for the Government, and which are material to the defendant's case;

(c) Permit defendant's attorney to inspect and copy or photograph

any relevant recorded testimony of the defendant before a grand jury;

(d) Permit defendant's attorney to inspect and copy or photograph books, papers, documents, tangible objects, buildings or places which are the property of the defendant and which are within the possession, custody or control of the Government;

(e) Make known to defendant's attorney the defendant's prior criminal record in the possession of the attorney for the Government;

(f) Permit defendant's attorney to inspect, copy or photograph any evidence favorable to the defendant;

(g) Advise defendant's attorney of the existence or non-existence of any evidence in the possession of the Government obtained as the result of any electronic surveillance or wiretap;

(h) Advise defendant's attorney of the contemplated use of informer testimony (fact of informer only, not name or testimony);

(i) Disclose to defendant's attorney its intent to use any statements or confessions made by the defendant. If defendant questions the admissibility of such statement or confession, the hearing required by Jackson v. Denno, 378 U.S. 368 (1964), shall be held on the day of trial prior to the opening statements of counsel.

2. If, in the judgment of the United States Attorney, it would not be in the interests of justice to make any one or more disclosures set forth in paragraph (1) and

requested by defendant's counsel, disclosure may be declined, and defense counsel is advised to immediately bring a formal noticed motion to the Court.

3. Upon completion of the conference required herein, the parties shall file a joint statement:

- (a) That the prescribed conference was held;
- (b) The date of said conference;
- (c) The name of the Assistant United States Attorney with whom the conference was held;
- (d) The contested matters of discovery and inspection and any additional discovery or inspection desired by the defendant;
- (e) The fact of disclosure of all material favorable to the defendant or the absence thereof within the meaning of Brady v. Maryland, 373 U.S. 83 (1963) and related cases;
- (f) The resolution of foundational objections to documentary evidence proposed to be used by both parties (except for the purposes of impeachment);
- (g) The resolution of chain of custody (where in issue);
- (h) The resolution of the admissibility of scientific analysis without need of calling the expert at the trial.

4. Any duty of disclosure and discovery set forth herein is a continuing one.

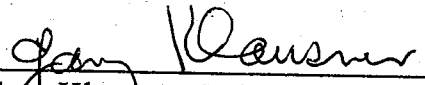
5. This order is not intended to preclude discovery by the Government pursuant to Rule 16(c) of the Federal Rules of Criminal Procedure.

6. It shall be the joint duty of counsel for the defendant and the United States Attorney to schedule and hold the conference contemplated herein. The United States Attorney shall assure time and availability for such conference within the time herein provided unless the discovery conference is waived in writing by defendant and his counsel and such waiver filed with the Court.

7. Counsel for the Government shall file with the Court in camera (under seal) all statements of all witnesses to be called by the Government in its case in chief. Such statements shall be filed at least ten days before trial.

8. The Clerk is ordered to serve a copy of this order personally or by mail on counsel for all parties to this action.

DATED: _____



R. Gary Klausner, Judge
UNITED STATES DISTRICT COURT

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COUNSEL OF RECORD