

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA

Plaintiff,

vs.

LESLEY JAMES,

Defendant.

3:12-cr-034-RRB-JDR

**ORDER**  
**REGARDING**  
**DISCOVERY PLAN**  
**and**  
**PRETRIAL MOTION SCHEDULE**

This criminal case charges defendant with FELON IN POSSESSION OF A FIREARM. **Trial in this case is currently set for September 10, 2012.**

It is the purpose of this order to set a time table for the government's production of designated categories of discovery so further litigation will not be needed. It is the intent of the Court to avoid unnecessary delay in the production of discovery. The parties should continue to work together to provide available discovery to the defense expeditiously and economically. The defendant should

avoid filing boiler plate discovery motions where the matter can be resolved by meeting and conferring with the government attorney.

The Pretrial Motion Schedule is binding on all counsel in this case unless otherwise ordered. This order is not subject to amendment by the parties without Court approval. The deadlines set below present the latest dates on which the government has to produce evidence relevant to that category. In the spirit of continued cooperation the Court expects the government to provide discovery prior to those dates when feasible. The government will keep a list of discovery provided to the defendant and the date it was produced.

### **Discovery and Inspection Plan**

1. Defendant's oral, written or recorded statements as described in Fed. R. Crim. P. 16 (a)(1)(A) and (B) disclosed by the government are due **July 6, 2012.**

2. Defendant's prior record as described in Fed. R. Crim. P. 16(a)(1)(D) due by **July 6, 2012.**

3. All documents and objects as described in Fed. R. Crim. P. 16 (A)(1)(E), shall be produced by the government by **July 6, 2012.**

4. Documents and tangible evidence, as well as oral statements, or other evidence which tends to exculpate a defendant; or is favorable or useful to the defense on the issues of guilt or punishment; or is otherwise subject to disclosure

as exculpatory material pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972) is due no later than **August 10, 2012**.

5. The government will identify any experts it intends to use in its case-in-chief pursuant to Fed. R. Evid. 702, 703 and 705 by **August 3, 2012**.

6. The defendant will identify any experts they intend to use at trial pursuant to Fed. R. Evid. 702, 703 and 705 by **August 10, 2012**.

7. Government expert reports and summary of expert testimony during the case-in-chief pursuant to Fed. R. Crim. P. 16 (A)(1)(G) shall be produced by the government by **July 27, 2012**.

8. Defendant expert reports shall be produced by the defense to the government by **July 27, 2012**.

9. Government reports of examinations and tests as described in Fed. R. Crim. P. 16 (a)(1)(F), excluding the expert reports described above, to be produced by the government, **July 27, 2012**.

10. Defense reports of examinations and tests, as described in Fed. R. Crim. 16 (b)(1)(B), excluding the expert reports described above, shall be disclosed by **August 3, 2012**.

11. Defense documents and objects as described in Fed. R. Crim. P. 16 (b)(1)(A) shall be disclosed or made available for inspection by the government by **July 20, 2012**.

12. Evidence of other crimes, wrongs or acts the government seeks to use at any time during the trial pursuant to Fed. R. Evid. 404(b) shall be disclosed on or before **August 10, 2012.**

13. Evidence of conviction of a crime which the government seeks to introduce at trial pursuant to Fed. R. Evid. 609 shall be disclosed on or before **August 17, 2012.**

The government is directed to certify that all discovery required by law and this Order has been provided to the defense by **August 17, 2012.**

#### **Pretrial Motions Deadlines**

	<b>Motion Deadline</b>	<b>Response Deadline</b>
Motions related to discovery	July 13, 2012	July 23, 2012
Motions for bill of particulars	July 16, 2012	July 25, 2012
Motion challenging the indictment or statutes involved	July 16, 2012	July 25, 2012
Motions to suppress evidence; motion to disclose confidential informants	July 30, 2012	August 9, 2012
Motions in limine	August 6, 2012	August 16, 2012
Motions related to experts	August 17, 2012	August 27, 2012

Given the lengthy time provided by the trial court for the completion of discovery and presentation of pretrial issues, no continuances of the pretrial motions due dates will be granted absent extraordinary circumstances.

### **Further Disclosures**

All disclosures required by the Jencks Act, 18 U.S.C. § 3500, shall be produced by the government no later than **September 1, 2012**.

Both the government and defense have a continuing duty to disclose any additional evidence or material discovered before or during trial if the federal rules or this Court's order requires its production. Such evidence must be promptly disclosed to the other party or the Court.

If a party fails to comply with this discovery order, the Court may order that discovery or inspection occur by a certain date and in a certain manner; grant a continuance; prohibit the offending party from introducing the undisclosed evidence at trial; or enter any other order that is just under the circumstances.

DATED this 29<sup>th</sup> day of June, 2012, at Anchorage, Alaska.

*/s/ John D. Roberts*  
JOHN D. ROBERTS  
United States Magistrate Judge