

must be provided by both sides prior to the beginning of any penalty phase.

Prior to closing argument, the court will conduct a charge conference and advise counsel of the substance of the jury charge. The charge is given after closing argument. Before the jury begins deliberations, counsel will be given an opportunity to make any objections to the charge on the record. The court will send with the jury a written copy of the charge for the jury's reference during deliberations. The jury will be instructed that it may request any or all of the exhibits during deliberations.

2. Witness Lists. The parties are directed to exchange daily witness lists. Each party must provide to the other parties each day a list of the witnesses planned to be called the following day at trial. That list must also be provided to the court, the court reporter, and the courtroom deputy clerk at the beginning of each day's proceedings.

3. Exhibit Lists. All proposed exhibits must be marked in consecutive numbers by each party (i.e., Gov't Ex. 1, 2, 3 and _____ Ex. 1, 2, 3, etc.). Each party must provide to the other parties each day a list of exhibits planned to be used the following day at trial, excepting only exhibits to be used solely in impeachment of a witness. That list must also be provided to the court, the court reporter, and the courtroom deputy clerk at the beginning of each day's proceedings.

4. Objections. All objections and other remarks to the court must be made while standing. Objections must be succinct, without argument or other comment. If argument is needed, the court will so indicate. Bench conferences will not be permitted, and argument outside the presence of the jury will normally take place only during regular recesses or before or after the trial day. Accordingly, counsel must anticipate any evidentiary questions or disputes and bring them to the attention of the court ahead of time.

5. Presentation of Evidence. Examination of witnesses and argument to the court must be made from the lectern. Counsel may obtain an exhibit from the clerk and approach a witness to hand the witness a document or exhibit without permission of the court, but must promptly return to the lectern. Exhibits remain in the custody of the courtroom deputy clerk and must be returned to the clerk promptly after use. Use of the evidence display equipment is required.

Witnesses are excluded from the courtroom so that they cannot hear the testimony of other witnesses. No excluded witness should be advised of the testimony of any other witness who has already testified. Witnesses must be released from further attendance as soon as they are no longer needed. After testifying, a witness is deemed released by consent unless counsel or the court indicates that the witness should not be so released. A witness should not be released if there is any likelihood that the witness may be later called to testify by any party.

Unless the defendants agree otherwise, the cross examination of government witnesses and the presentation of defense evidence will occur in the following order: [defendant #1], [defendant #2], [defendant #3]. Repetitive cross examination will not be permitted. Objections by any defendant will be assumed to apply to all other defendants, unless any defendant not joining in such objection promptly makes known his or her disagreement.

6. Presence of Defendants. The defendants have the right to be present at all stages, and there will be no proceedings in a defendant's absence. Counsel are responsible for assuring that no proceeding begins without their respective clients being present.

7. Jury Selection. Two hundred persons from the jury venire summonsed by the clerk will be sent juror questionnaires and directed to report to the courthouse on [DATE], in two groups. One group will report at 9:00 a.m. and

the other group at 1:00 p.m. The prospective jurors will be sworn to tell the truth, and any persons who have not returned completed juror questionnaires will be directed to fill out such questionnaires. If the parties can agree to excuse any persons based on the completed juror questionnaires, counsel will so advise the court. Thereafter, potential jurors will be directed to return at 9:00 a.m. on a day certain in groups of 30 persons, so that jurors 1 through 30 will be directed to return [DATE], jurors 31 through 60 on [DATE], and so on. Each such group will be subjected to group voir dire by the court, after which there will be sequestered individual voir dire in the courtroom by the court. At the conclusion of individual voir dire of each person, counsel will be required to assert any challenge for cause of such person immediately after that person has left the courtroom. If no such challenge is made at that time, no future challenge for cause of that person will be considered by the court, except for good cause shown.

As soon as 60 persons have been found qualified during this process, those 60 persons will be directed to return to the court on a day certain. On that day, the government will exercise 22 peremptory challenges (“strikes”) and the three defendants will jointly exercise 22 peremptory challenges, in seven rounds of three strikes per side each round, and one round of one strike per side, leaving 16 persons. Those persons will be sworn as jurors. The clerk will promptly thereafter draw four persons at random from the list of 16 persons. Such persons will be designated as the alternates, and will replace any excused regular jurors in the order in which they were selected by the clerk. The alternates will not be told that they are alternates until the deliberations begin at the conclusion of the guilt/innocence phase, at which time they will be separated from the regular jurors. If a penalty phase occurs, the same jury and alternates will be used during the penalty phase, and the alternates will again be separated when deliberations begin.

Counsel is reminded that the Fourth Circuit has ruled that “reasonable

doubt” should not be defined and counsel will not be permitted to advise the jury of any such definition.

Jurors will be told that they are permitted to take notes and provided with notebooks and pens.

8. Trial Schedule. Trial will be held Monday through Thursday, with no proceedings on Fridays, except that in the week of [DATES], proceedings will not be held on Monday, [DATE] and proceedings will be held on Friday, [DATE]. Trial days will begin promptly at 9:00 a.m. and end at approximately 4:00 p.m., with an hour lunch break at noon and twenty-minute breaks in the mid-morning and mid-afternoon. Matters to be taken up outside the presence of the jury must be scheduled before or after the trial day or during the recesses. If there are such matters to be taken up, a request must be made to the clerk or the bailiff, and notice given to opposing counsel.

ENTER:

United States District Judge