

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

v.

ANIBAL ACEVEDO VILA,

Defendant

*
*
* CRIMINAL NO. 08-036 (PJB)
*
*
*
*

ORDER IN RESPECT TO DISCOVERY

The Court hereby ORDERS counsel to meet and confer within five business (5) days of the date of arraignment on all discovery and pretrial production matters in this case. It is anticipated that routine discovery, as enumerated below, will not be the subject of pretrial motion practice. If the parties are unable to reach agreement on the production of discoverable materials in accordance with this order they may request a pretrial status conference with the court. Notwithstanding District of Puerto Rico Local Rule 116.1, no party shall file a motion for discovery or a bill of particulars until they have conferred in good faith with the other side AND requested a status conference with the court. District of Puerto Rico Local Rule 116.1 (b)(6) involving multi-defendant cases is applicable to this process if the party ultimately files a discovery motion with this court.

The parties shall disclose the following information without waiting for a demand from the opposing party.

a. **Material Discoverable Pursuant to Fed. R. Crim. P. 16.**

1. **By the Government.** The government shall disclose all information described in Fed. R. Crim. P. 16(a)(1) within fourteen (14) days after the arraignment unless the parties agree on a different date or unless the defendant notifies the government in writing within that time period and prior to receipt of such information that the defendant declines to receive that information.

2. **By the Defendant.** The defendant shall disclose the information described in Fed. R. Crim. P. 16(b)(1)(A-C) within thirty (30) days after the arraignment unless the parties agree on a different date or unless the defendant has timely notified the government pursuant to ¶ (a)(1) that the defendant declines reciprocal discovery.
- b. **Electronic Communications.** The government shall disclose any evidence suggesting that the government has intercepted the defendant's wire or electronic communications, as defined in 18 U.S.C. § 2510, within fourteen (14) days after the arraignment.
 - c. **Exculpatory and Impeachment Material.** The government shall disclose any evidence material to issues of guilt or punishment within the meaning of Brady v. Maryland, 373 U.S. 83 (1963), and related cases, and any impeachment material as defined in Giglio v. United States, 405 U.S. 150 (1972), and related cases, at least twenty (20) days before trial. For good cause shown, the government may seek approval to disclose said material at a later time.
 - d. **Witness Statements.** The government shall disclose any witness statements, as defined in Fed. R. Crim. P. 26.2(f) and 18 U.S.C. § 3500, at least seven (7) days prior to the commencement of the proceeding at which the witness is expected to testify unless the government determines that circumstances call for later disclosure as allowed by Rule 26.2 and 18 U.S.C. § 3500.
 - e. **Fed. R. Evid. 404(b) Material.** The government shall disclose the general nature of any evidence that it intends to introduce pursuant to Fed. R. Evid. 404(b) at least seven (7) days prior to trial.
 - f. **Exhibits.** The parties shall exchange and file exhibit lists at least seven (7) days prior to trial. Exhibits intended to be used solely for impeachment need not be listed. Objections to exhibit lists shall be filed on the day of trial. The parties shall deliver their exhibits to the clerk's office and a copy to each other at least one day before the start of evidence.
 - g. **Witness Lists.** The parties shall exchange and file witness lists at least seven (7) days prior to trial. For good cause shown, either party may seek court approval to exchange witness lists at a later date.

Motions, including both discovery motions under this order and other evidentiary or dispositive motions, shall be filed 30 days following arraignment, unless a party is given a specific extension of that deadline by the court. Any motions to continue filed by the defendant should be accompanied by a signed speedy trial waiver.

CERTIFICATE

Any objections to this Order shall be filed in accordance with Fed. R. Crim. P. 59 (a).

/s/Margaret J. Kravchuk
Margaret J. Kravchuk
U. S. Magistrate Judge

Dated: March 31, 2008