

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA

11 Plaintiff,

12 v.

13
14 Defendant[s].
15

Case No. CR _____ BRO

**ORDER FOR DISCOVERY AND
INSPECTION IN CRIMINAL CASES
BEFORE JUDGE BEVERLY REID
O'CONNELL**

16 In order to obviate unnecessary motions for discovery in criminal actions,
17 proceedings, matters or cases assigned to the undersigned court for trial,
18

19 IT IS ORDERED:

20 1. Within fourteen (14) days of the post-indictment arraignment before the
21 Court, the Assistant United States Attorney assigned to the trial of the case and the
22 defendant's attorney shall meet and confer, and upon request of the attorney for the
23 defendant the Government shall:

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

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

7 (c) Permit defendant's attorney to inspect and copy or photograph any
8 relevant recorded testimony of the defendant before a grand jury;

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

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

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

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

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

21 (i) Disclose to defendant's attorney its intent to use any statements or
22 confessions made by the defendant. If defendant questions the admissibility of such
23 statement or confession, the hearing required by *Jackson v. Denno*, 378 U.S. 368
24 (1964), shall be scheduled at the first status conference with the court.

25 (j) Give to defendant's counsel a copy of the statements of all witnesses
26 the government intends to call in its case-in-chief.
27
28

1 2. If, in the judgment of the United States Attorney, it would not be in the
2 interests of justice to make any one or more disclosures set forth in paragraph (1) and
3 requested by defendant's counsel, disclosure may be declined, and this matter shall be
4 addressed at the first status conference with the court.

5 3. Upon completion of the conference required herein, no later than the Friday
6 before the status conference, the parties shall file a joint statement:

7 (a) That the prescribed conference was held;

8 (b) The date of said conference;

9 (c) The name of the Assistant United States Attorney with whom the
10 conference was held;

11 (d) The contested matters of discovery and inspection and any additional
12 discovery or inspection desired by the defendant;

13 (e) The fact of disclosure of all material favorable to the defendant or the
14 absence thereof within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963) and
15 related cases;

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

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

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

24 7. Counsel for defendant shall have (1) reviewed all disclosures made and
25 discovery received, and (2) had sufficient discussion with his/her client and the United
26 States Attorney by the time of the first status conference with the court to enable
27
28

1 counsel to meaningfully discuss with the court at said status conference the likelihood
2 of trial/disposition of this case.

3 8. The government shall be represented at all status conferences with the court
4 by the Assistant United States Attorney who is assigned to the trial of the case, and
5 who is most knowledgeable about the aforesaid matters, well as any other matters
6 scheduled for discussion with the court at the status conferences.

7 9. Judge Beverly Reid O'Connell is participating in a pilot project regarding
8 the submission of SEALED DOCUMENTS. All proposed sealed documents must be
9 submitted via e-mail to the Judge's Chambers email at
10 BRO_chambers@cacd.uscourts.gov. Please refer to the judge's procedures and
11 schedules for detailed instructions for submission of sealed documents. [Under Seal](#)
12 [Instructions](#) are located here.

13
14 10. One (1) mandatory paper Chambers copy of all e-filed motion,
15 opposition reply documents and trial documents must be delivered to Judge
16 O'Connell's box, outside the Clerk's Office on the 4th floor of the United States
17 District Court, located at 350 W. 1st Street, Los Angeles, California 90012, by noon
18 on the day after e-filing.

19
20 IT IS SO ORDERED.

21 DATED: November 17, 2016



HON. BEVERLY REID O'CONNELL
United States District Judge