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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
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v.)
)
)
Defendant[s].)
_____)

No. CR _____-GW

**ORDER FOR DISCOVERY AND
INSPECTION IN CRIMINAL CASES
BEFORE JUDGE GEORGE H. WU**

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

IT IS ORDERED:

1. Within seven (7) days of the initial arraignment before the Magistrate Judge, the Assistant United States Attorney assigned to the trial of the case and the defendant's attorney shall meet and confer on the issue of discovery in this case including, but not limited, the items referenced in Federal Rules of Criminal Procedure 12, 12.1, 12.2, 12.3, 15 and 16. Further, 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, within

1 the possession, custody, or control of the Government, the existence of which is known, or may
2 become known, to the attorney for the Government;

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

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

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

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

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

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

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

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

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

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

6 3. At the meet and confer, counsel for the defendant shall notify the attorney for the
7 Government whether the defendant intends to raise an alibi defense under Rule 12.1, insanity
8 under Rule 12.2, or a public authority defense under Rule 12.3. Counsel shall also discuss any
9 motion(s) which they are then contemplating and confer in a good faith effort to eliminate the
10 necessity for a hearing on said motion(s).

11 4. Upon completion of the meet and confer referenced in paragraph 1 above, no later
12 than the Friday before the status conference, the parties shall file (with a courtesy copy to
13 delivered to the Court's mailbox outside the Clerk's Office on the 4th floor of the 1st Street
14 Courthouse) a joint statement that includes the following information:

- 15 (a) That the prescribed meet and confer was held;
- 16 (b) The date of said conference;
- 17 (c) The names of the Assistant United States Attorney and the defense counsel
18 with whom the conference was held;
- 19 (d) The time estimate, in days, that the criminal trial is expected to take;
- 20 (e) The contested matters of discovery and inspection, if any, plus any additional
21 discovery or inspection desired by either party;
- 22 (f) Any contemplated motions in the lawsuit; and
- 23 (g) The fact of disclosure of all material favorable to the defendant or the
24 absence thereof within the meaning of Brady v. Maryland, 373 U.S. 83 (1963) and related cases.

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

26 6. This order is not intended to preclude discovery by the defendant or the Government
27 pursuant to Rule 16(b).

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