

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

In Re :  
Criminal Trial Scheduling : STANDING ORDER NO. **15-2**  
And Discovery :

The Court having considered a revised protocol for scheduling in criminal cases; and the Court acknowledging that these revisions are the product of commendable and extensive consultation among the United States Attorney's Office, the Federal Public Defender, the Criminal Justice Act Panelists, other members of the defense bar, and the judiciary; and the Court having found that this protocol is likely to (1) promote the efficient use of resources of the Court, defense counsel, and the Government; (2) encourage broad discovery by both the Government and the defense; (3) provide the parties with a reasonable time within which to exchange discovery, engage in motion practice, and prepare for trial; and (4) protect the Speedy Trial interests of defendants and the public, it is the judgment of this Court that such a protocol for trial scheduling and discovery should be implemented for all felony cases in the District of New Jersey that are initiated on or after April 1, 2016.

It is, therefore, on this day 22<sup>nd</sup> of **September, 2015**, **ORDERED** as follows:

THE ARRAIGNMENT, DISCOVERY, AND MOTION PRACTICE

The Arraignment

1. The arraignment shall be held within a reasonable time after indictment.
2. Prior to arraignment, the parties shall meet and confer. At this time, the Government shall advise defense counsel of the general nature and extent of the discovery that will likely be provided in the case. Thereafter, the parties shall attempt to agree on a proposed schedule for the exchange of discovery and a schedule for pretrial motions under Rule 12 of the Federal Rules of Criminal Procedure and Rule 41(g) of those Rules.

3. In cases that do not require extensive discovery, the parties shall propose to the Court a schedule for the exchange of Rule 16 discovery and a schedule for pretrial motions following the completion of discovery. (A sample form of Order for use in such cases is Exhibit 1 to this Standing Order, attached).

4. In cases that will require more extensive discovery, the parties shall propose a discovery schedule and order that takes into account the nature and extent of the discovery in the case, including circumstances that may delay the completion of discovery. In some cases, for example, it may be appropriate to schedule the production of discovery in stages. In all such cases, however, the order proposed by the parties shall provide for at least one status conference (either in person or by telephone) at which the Court will assess the progress of discovery and determine whether a schedule for pretrial motions should be set or whether another conference, or conferences, should be scheduled prior to setting a schedule for pretrial motions. (A sample form of Order for use in such cases is Exhibit 2 to this Standing Order, attached.)

5. The parties shall provide their proposed scheduling order to the Court prior to arraignment. That proposed scheduling order will be discussed, modified if deemed necessary by the Court, and entered at the arraignment.

6. If the parties cannot agree on the details of a proposed scheduling order prior to arraignment, each party shall submit a proposed order along with any justification. After hearing the parties at the arraignment, the Court will enter an appropriate scheduling order.

7. In cases in which there is no counsel for the defendant prior to arraignment, or if counsel changes at arraignment, the Court shall direct the parties to take the above actions within two weeks following the arraignment. If the parties cannot reach an agreement with regard to scheduling, the parties shall submit their respective proposed scheduling orders within two weeks following the arraignment. The Court should thereafter hold a brief conference (in person or by telephone) to set the schedule and enter the appropriate order. (A sample form of Order for use in such cases is Exhibit 3 to this Standing Order, attached.)

8. If the parties agree that the ends of justice would be served by holding the trial more than 70 days after the indictment or arraignment, the parties should also propose an order excluding time for purposes of the Speedy Trial Act. (Sample forms of order for use in such cases are Exhibits 4 and 5 to this Standing Order, attached.)

## The Discovery Period and Non Binding Goals of Discovery

9. The Federal Rules of Criminal Procedure and federal case law prescribe the discovery that must be provided by the Government and the defense. The goal of this scheduling protocol, however, is to encourage but not require both the Government and the defense to provide discovery beyond that which is required by law, as discussed below.

10. In appropriate cases, the Government should describe for the defendant and counsel the nature of the Government's evidence and should consider disclosing some Jencks material that could assist the defense in evaluating the case.

11. The defense should consider advising the Government of what may constitute Brady material in the case and the reasons for that position. In appropriate cases, the defense should also consider describing for the Government its defense in sufficient detail so that the Government can better assess what material may fall within the ambit of Brady. This should be done as early in the discovery period as possible.

12. Both parties should consider entering into an agreement to provide more information about witness statements and impeachment material than that required by law and to provide that information in advance of the time required by law.

13. Upon such an agreement, the Government should provide to the defense, prior to the final pretrial conference, the Jencks and Giglio material for its witnesses. If no such material exists for a witness, the Government should also consider advising the defense of the general substance of the witness's anticipated testimony.

14. Upon such an agreement and the Government's early disclosure of witness material as described in the preceding paragraph, the defense should provide reverse Jencks and impeachment material for its witnesses and, if no such material exists for a witness, should advise the Government of the general substance of the witness's anticipated testimony. This should be done as close to the final pretrial conference as possible and, in any event, well before the start of trial.

15. These discovery goals will not create any rights or obligations beyond those rights and obligations already existing under federal law. Moreover, when either the Government or the defense discloses the general

substance of anticipated testimony because there is no Jencks material, the party receiving this information will agree not to seek to (1) use such a summary as an admission of a party opponent; or (2) admit such a summary as a prior inconsistent statement pursuant to Rule 613(b) of the Federal Rules of Evidence.

16. In all cases, regardless of complexity, the parties should advise the Court of discovery issues as early as possible so that the Court can determine whether to hold an additional conference to attempt to resolve them prior to the conclusion of the discovery period and without the necessity of formal motion practice.

#### THE FINAL PRETRIAL CONFERENCE

17. No sooner than two weeks following the disposition of pretrial motions, the Court shall, in consultation with the parties, schedule a final pretrial conference.

18. At the pretrial conference, the parties shall advise the Court whether the case should be set for trial. The Court, in appropriate cases, may wish to conduct a Frye inquiry to ensure that the defendant has been made aware of all Government plea offers and has rejected them. (A sample Frye inquiry is Exhibit 6 to this Standing Order, attached.)

19. If the parties have informed the Court that the case should be set for trial, the Court, in consultation with counsel, shall set a schedule providing for at least the following:

exchange of pre marked exhibits by the Government and the defense;

production of *Jencks* and *Giglio* material by the Government;

production of reverse *Jencks* and impeachment material by the defense;

production of Rule 404(b) material by the Government;

production of reverse Rule 404(b) material by the defense;

objections to the authenticity of exhibits, the chain of custody of exhibits, and the scientific analysis of exhibits;

briefing of evidentiary motions;  
submission of voir dire requests;

submission of requests to charge;

jury selection; and

trial.

20. Regardless of the date set for the submission of a complete set of requests to charge, the Court shall require the submission of all requests to charge concerning the elements of the offense prior to trial and shall endeavor to resolve any disputes concerning such requests prior to trial. (A sample form of order to be entered at the final pretrial conference is Exhibit 7 to this Standing Order, attached.)

21. Because the ends of justice require that the parties be provided a sufficient opportunity to effectively prepare for trial following the decision on pretrial motions and the final pretrial conference, trial in all cases shall be no earlier than 45 days following the final pretrial conference unless all parties agree that a shorter period of time is reasonable in the circumstances of the case. Depending on the size or complexity of the case, a period of longer than 45 days may be appropriate. If appropriate, a Speedy Trial Act continuance order should be entered. (A sample form of Order for use in such cases is Exhibit 8 to this Standing Order, attached.)

FOR THE COURT:



Honorable Jerome B. Simandle, Chief Judge  
United States District Court for the  
District of New Jersey

**EXHIBIT 1**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Criminal No.

vs.

SCHEDULING ORDER

[Defendant's Name]

This matter having come before the Court for arraignment; and the United States being represented by Paul J. Fishman, United States Attorney for the District of New Jersey (by \_\_\_\_\_, Assistant U.S. Attorney, appearing); and the Defendant being represented by \_\_\_\_\_; and the parties having met and conferred prior to arraignment and having determined that this matter may be treated as a criminal case that does not require extensive discovery within the meaning of paragraph 3 of this Court's Standing Order for Criminal Trial Scheduling and Discovery; and the parties having agreed on a schedule for the exchange of discovery and the filing and argument of pretrial motions; and the Court having accepted such schedule, and for good cause shown,

It is on this \_\_\_ day of \_\_\_, 20\_\_\_, ORDERED that:

1. The Government shall provide all discovery required by Federal Rule of Criminal Procedure 16(a)(1) on or before \_\_\_\_\_.

2. The Government shall provide exculpatory evidence, within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, on or before \_\_\_\_\_. Exculpatory evidence that becomes known to the Government after that date shall be disclosed reasonably promptly after becoming known to the Government.

3. If there is more than one defendant named in the indictment, and if the Government intends to introduce into evidence in its case-in-chief a confession made to law enforcement authorities by one defendant that names or makes mention of a co-defendant, a copy of that statement or confession shall be disclosed by the Government on or before \_\_\_\_\_. The Government shall provide a proposed redaction to that statement to conform with the requirements of *Bruton v. United States*, 391 U.S. 123 (1968) and its progeny, on or before \_\_\_\_\_.

4. The Defendant shall provide all discovery required by Federal Rule of Criminal Procedure 16(b)(1) on or before \_\_\_\_\_.

5. The Defendant shall provide any and all notices required by Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3 on or before \_\_\_\_\_.

6. The following shall be the schedule for pretrial motions in this matter:

a) The Defendant shall file any and all pretrial motions, pursuant to Federal Rules of Criminal Procedure 12(b) and 41(h), in the manner set forth in L. Civ. R. 7.1, on or before \_\_\_\_\_;

b) The Government shall file any response to the Defendant's pretrial motions on or before \_\_\_\_\_;

c) The Defendant shall file any reply on or before \_\_\_\_\_;

d) Oral argument on pretrial motions shall be held on \_\_\_\_\_ at \_\_\_\_ a.m./p.m..

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Honorable  
United States District Judge



**EXHIBIT 2**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Criminal No.

vs.

SCHEDULING ORDER

[Defendant's Name]

This matter having come before the Court for arraignment; and the United States being represented by Paul J. Fishman, United States Attorney for the District of New Jersey (by \_\_\_\_\_, Assistant U.S. Attorney, appearing); and the Defendant being represented by \_\_\_\_\_; and the parties having met and conferred prior to arraignment and having determined that this matter may be treated as a criminal case that requires extensive discovery within the meaning of paragraph 4 of this Court's Standing Order for Criminal Trial Scheduling and Discovery; and the parties having agreed on a schedule for the initial exchange of discovery; and the Court having accepted such schedule, and for good cause shown,

It is on this \_\_\_ day of \_\_\_, 20\_\_\_, ORDERED that:

1. The Government shall provide any oral, written or recorded statement of the Defendant or, in the case of an organizational defendant, of any person who is legally able to bind the Defendant because of that person's position as a

director, officer, employee or agent of the Defendant on or before

\_\_\_\_\_.

2. The Government shall provide exculpatory evidence, within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, on or before \_\_\_\_\_ . Exculpatory evidence that becomes known to the Government after that date shall be disclosed reasonably promptly after becoming known to the Government.

3. If there is more than one defendant named in the indictment, and if the Government intends to introduce into evidence in its case-in-chief a confession made to law enforcement authorities by one defendant that names or makes mention of a co-defendant, a copy of that statement or confession shall be disclosed by the Government on or before \_\_\_\_\_. The Government shall provide a proposed redaction to that statement to conform with the requirements of *Bruton v. United States*, 391 U.S. 123 (1968) and its progeny, on or before \_\_\_\_\_.

4. [The parties should make a good faith attempt to establish a reasonable schedule for the remainder of discovery required by Federal Rule of Criminal Procedure 16(a)(1), and to set forth that schedule in this paragraph.]

5. The defendant shall provide any and all notices required by Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3 on or before

\_\_\_\_\_.

6. [The parties should make a good faith attempt to establish a reasonable schedule for the remainder of discovery required by Federal Rule of Criminal Procedure 16(b)(1), and to set forth that schedule in this paragraph.]

7. A status conference shall be held on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., in order to assess the progress of discovery; to determine a schedule for the production of additional discovery if necessary; to consider any discovery disputes if necessary; to set or consider setting a schedule for the next status conference in this matter; and to set or consider setting a schedule for pretrial motions if a date for the completion of discovery can be determined.

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Honorable  
United States District Judge

**EXHIBIT 3**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Criminal No.

vs.

SCHEDULING ORDER

[Defendant's Name]

This matter having come before the Court for arraignment; and the United States being represented by Paul J. Fishman, United States Attorney for the District of New Jersey (by \_\_\_\_\_, Assistant U.S. Attorney, appearing); and the Defendant being represented by \_\_\_\_\_; and the parties not having had sufficient time to meet and confer with regard to a schedule for discovery and inspection and for pretrial motions because defense counsel has just been retained/appointed; and for good cause shown,

It is on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, hereby ORDERED that:

1. Within two weeks from the date of this Order, that is, on or before \_\_\_\_\_, the Government and the Defendant shall take the actions described in paragraphs 2 through 6 of the Court's Standing Order for Criminal Trial Scheduling and Discovery; and

2. A status conference shall be held on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., in order for the Court to confer with counsel and to enter an appropriate Scheduling Order.

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Honorable  
United States District Judge

EXHIBIT 4

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Criminal No.

vs.

ORDER FOR CONTINUANCE

[Defendant's Name]

This matter having come before the Court on the joint application of the United States, by Paul J. Fishman, United States Attorney for the District of New Jersey (\_\_\_\_\_ Assistant U.S. Attorney, appearing), and defendant \_\_\_\_\_ (\_\_\_\_\_, Esq., appearing), for an order granting a continuance of proceedings in the above-captioned matter; and the defendant being aware that he has the right to have this matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to 18 U.S.C. § 3161(c)(1); and the defendant having consented to such continuance and having waived such right; and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. The failure to grant a continuance would deny counsel for the defendant and counsel for the Government the reasonable time necessary for

effective preparation for trial, taking into account the exercise of due diligence.

2. As a result of the foregoing, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, therefore, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

ORDERED that this action be, and hereby is, continued until \_\_\_\_\_, 20\_\_\_\_; and it is further

ORDERED that the period from the date of this order through \_\_\_\_\_, 20\_\_\_\_ be and it hereby is excluded in computing time under the Speedy Trial Act of 1974, 18 U.S.C. § 3161 *et seq.*

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Honorable  
United States District Judge

Consented to as to form and entry:

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Assistant U.S. Attorney

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Counsel for defendant

EXHIBIT 5

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Criminal No.

vs.

ORDER FOR CONTINUANCE

[Defendant's Name]

This matter having come before the Court on the joint application of the United States, by Paul J. Fishman, United States Attorney for the District of New Jersey (\_\_\_\_\_ Assistant U.S. Attorney, appearing), and defendant \_\_\_\_\_ (\_\_\_\_\_, Esq., appearing), for an order granting a continuance of proceedings in the above-captioned matter; and the defendant being aware that he has the right to have this matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to 18 U.S.C. § 3161(c)(1); and the defendant having consented to such continuance and having waived such right; and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. This case is an unusual or complex case within the meaning of the



Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(ii), in light of [**REVISE AS APPROPRIATE:** the number of defendants, the nature of the prosecution, and/or the existence of novel questions of fact or law] such that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within 70 days.

2. The discovery in the case is expected to be voluminous, consisting of, among other things, \_\_\_\_\_, and additional time is necessary to ensure that, taking into account the exercise of diligence, defense counsel have sufficient time to review and inspect discovery and further investigate the charges in this matter.

3. As a result of the foregoing, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(ii) and (iv), the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, therefore, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

(1) ORDERED that this action be, and hereby is, continued until \_\_\_\_\_, 20\_\_\_\_; and it is further

(2) ORDERED that the period from the date of this order through

\_\_\_\_\_, 20\_\_ be and it hereby is excluded in computing  
time under the Speedy Trial Act of 1974, 18 U.S.C. § 3161 *et seq.*

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Honorable  
United States District Judge

Consented to as to form and entry:

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Assistant U.S. Attorney

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Counsel for defendant

**EXHIBIT 6**

SAMPLE *FRYE* COLLOQUY – ONE PLEA OFFER

1. Did you receive a proposed plea agreement dated [DATE]?
2. Did you provide a copy of that proposed plea agreement to your client?
3. Did you review the proposed plea agreement with your client [if applicable: prior to the expiration date of the plea offer]?
4. Did your client reject the proposed plea agreement?

If defense counsel answers “yes” to all of those questions, and if defense counsel agrees to the Court questioning the defendant, the Court should address the defendant as follows:

I am going to ask you some questions. Do not disclose any communications with your attorney. Do not tell me the terms of any plea offer made by the Government. The Court is not involved in any plea negotiations, and it has no opinion regarding your decision whether to plead guilty or proceed to trial. The decision whether to accept or reject the proposed plea agreement is exclusively yours to make, but you should make that decision in consultation with your attorney. When I ask you these questions, please give me a yes or no answer to each question – nothing more.

1. Do you understand what I have just told you?
2. Did you receive the proposed plea agreement dated [DATE]?
3. Did you have an opportunity to consult with your attorney about that proposed plea agreement?
4. Did you, in fact, reject the proposed plea agreement?

SAMPLE *FRYE* COLLOQUY- MULTIPLE PLEA OFFERS

1. Did you receive the proposed plea agreements dated [DATES]?

2. Did you provide a copy of each of those proposed plea agreements to your client?
3. Did you review each of the proposed plea agreements with your client [if applicable: prior to the expiration date of the plea offer]?
4. Did your client reject each of the proposed plea agreements?

If defense counsel answers “yes” to all of those questions, the Government suggests that the Court address the defendant as follows:

I am going to ask you some questions. Do not disclose any communications with your attorney. Do not tell me the terms of any plea offer made by the Government. The Court is not involved in any plea negotiations, and it has no opinion regarding your decision whether to plead guilty or proceed to trial. The decision whether to accept or reject any of the proposed plea agreements is exclusively yours to make, but you should make that decision in consultation with your attorney. When I ask you these questions, please give me a yes or no answer to each question – nothing more.

1. Do you understand what I have just told you?
2. Did you receive each of the proposed plea agreements dated [DATES]?
3. Did you have an opportunity to consult with your attorney about each of the proposed plea agreements?
4. Did you, in fact, reject each of the proposed plea agreements?

**EXHIBIT 7**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Criminal No.

SCHEDULING ORDER

vs.

[Defendant's Name]

This matter having come before the Court for a final pretrial conference; and the United States being represented by Paul J. Fishman, United States Attorney for the District of New Jersey (by \_\_\_\_\_, Assistant U.S. Attorney, appearing); and the defendant being represented by \_\_\_\_\_; and the Court having determined that this matter should be scheduled for trial; and for good cause shown,

It is on this \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_, ORDERED that:

1. The Government shall provide its pre-marked exhibits on or before \_\_\_\_\_.

a) The authenticity and chain of custody of the Government's pre-marked exhibits shall be deemed to have been accepted unless an objection is asserted in accordance with paragraph 1(c).

b) If the Government discloses the scientific analysis of an exhibit that it proposes to introduce at trial and that analysis has been determined by an expert in the field of science involved, the scientific analysis of the exhibit shall be deemed to have been accepted unless an objection is asserted in the form set forth in paragraph 1(c).

c) If the defendant wishes to contest the authenticity, chain of custody, or scientific analysis of an exhibit, counsel for the defendant shall file, on or before \_\_\_\_\_, a notice that the authenticity, chain of custody, and/or scientific analysis of the exhibit will be contested at trial together with a statement delineating why the authenticity, chain of custody, and/or scientific analysis of the exhibit is being challenged and a certification that the challenge is being made in good faith.

2. The Defendant shall provide its pre-marked exhibits on or before \_\_\_\_\_.

a) The authenticity and chain of custody of the Defendant's pre-marked exhibits shall be deemed to have been accepted unless an objection is asserted in accordance with paragraph 2(c).

b) If the Defendant discloses the scientific analysis of an exhibit that the Defendant proposes to introduce at trial and that analysis has been determined by an expert in the field of science involved, the scientific analysis of the exhibit shall be deemed to have

been accepted unless an objection is asserted in the form set forth in paragraph 2(c).

c) If the Government wishes to contest the authenticity, chain of custody, or scientific analysis of an exhibit, counsel for the Government shall file, on or before \_\_\_\_\_, a notice that the authenticity, chain of custody, and/or scientific analysis of the exhibit will be contested at trial together with a statement delineating why the authenticity, chain of custody, and/or scientific analysis of the exhibit is being challenged and a certification that the challenge is being made in good faith.

3. The Government shall provide all material to be disclosed under Giglio v. United States, 405 U.S. 150 (1972), and its progeny, on or before \_\_\_\_\_ and shall, if it agrees to do so, provide any material to be provided under the Jencks Act, 18 U.S.C. §3500, on or before the same date.

4. The Defendant, if he/she agrees to do so, shall produce all “reverse Jencks” that is required to be disclosed under Federal Rule of Criminal Procedure 26.2 on or before \_\_\_\_\_.

5. If the Government intends to offer any Rule 404(b) evidence, the Government shall provide notice of this evidence in the form delineated in Federal Rule of Evidence 404(b)(2)(A) on or before \_\_\_\_\_.

6. If the defendant intends to offer any “reverse Rule 404(b)” evidence, the defendant shall provide notice of this evidence in the form delineated in Federal Rule of Evidence 404(b)(2)(A) on or before on or before \_\_\_\_\_.

7. The parties shall file any in limine motions, addressed to the admissibility of evidence, on or before \_\_\_\_\_; responses to such motions may be filed on or before \_\_\_\_\_; replies, if any, may be filed on or before \_\_\_\_\_; and oral argument on such motions shall be held on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m..

8. The parties shall file any *voir dire* requests on or before \_\_\_\_\_.

9. The Government shall file any requests to charge addressed to (a) preliminary instructions to the jury, and (b) the elements of the offenses at issue, on or before \_\_\_\_\_.

10. The Defendant shall file any requests to charge addressed to (a) preliminary instructions to the jury, and (b) the elements of the offenses at issue, on or before \_\_\_\_\_.

11. The parties shall file all other requests to charge on or before \_\_\_\_\_.

12. Jury selection shall commence on \_\_\_\_\_, at \_\_\_\_\_ a.m..



13. Trial shall commence on \_\_\_\_\_, at \_\_\_\_\_ a.m..

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Honorable  
United States District Judge

EXHIBIT 8

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Criminal No.

vs.

ORDER FOR CONTINUANCE

[Defendant's Name]

This matter having come before the Court on the joint application of the United States, by Paul J. Fishman, United States Attorney for the District of New Jersey (\_\_\_\_\_ Assistant U.S. Attorney, appearing), and defendant \_\_\_\_\_ (\_\_\_\_\_, Esq., appearing), for an order granting a continuance of proceedings in the above-captioned matter in order to allow the parties to fully prepare for trial following the final pretrial conference; and the defendant being aware that he otherwise has the right to have this matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to 18 U.S.C. § 3161(c)(1), not including time that has been excluded from computation pursuant to the Speedy Trial Act of 1974, 18 U.S.C. § 3161 *et seq.*; and the defendant having consented to such continuance and having waived such right, and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. The parties require additional time to complete pretrial discovery, including the exchange of exhibits, and to file appropriate pretrial motions, voir dire requests, and proposed jury instructions, and to otherwise prepare for trial.

2. The grant of a continuance will ensure that, taking into account the exercise of due diligence, counsel, including defense counsel, have sufficient time to complete these activities, including preparing for trial.

3. As a result of the foregoing, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, therefore, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

(1) ORDERED that this action be, and hereby is, continued until \_\_\_\_\_, 20\_\_\_\_; and it is further

(2) ORDERED that the period from the date of this order through \_\_\_\_\_, 20\_\_\_\_ be and it hereby is excluded in computing time under the Speedy Trial Act of 1974, 18 U.S.C. § 3161 *et seq.*

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Honorable  
United States District Judge

Consented to as to form and entry:

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Assistant U.S. Attorney

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Counsel for defendant