

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:23-cr-88-SPC-KCD

DIOP MCKENZIE

_____/

AMENDED SCHEDULING ORDER

The Court enters this Amended Scheduling Order for the evidentiary hearing on Defendant Diop McKenzie's Motion to Suppress (Doc. 45) set for **March 26, 2024, at 9:30 a.m.**

1. **Witness Lists.** No later than **noon on March 25, 2024**, counsel for each party must send a confidential email attaching a list of witnesses who may be called at the hearing—for the Court's use only—to Chambers' inbox. In addition, on or before the **morning of the hearing**, counsel must file their final witness lists, as well as give three copies to the Courtroom Deputy Clerk. Counsel must use the Criminal Witness List form found on the undersigned's website.¹ Absent good cause, the Court may not permit the testimony of unlisted witnesses at the hearing.

2. **Exhibit Lists.** On the **morning of the hearing**, counsel must provide the Courtroom Deputy Clerk with three copies of their exhibit lists and

¹ When completing the required Witness List form, counsel may ignore the column titled, "Date(s) Testified," as that column is reserved for the Court.

email the lists in Microsoft Word® format to the Chambers' inbox. Include the case number and case name in the email subject line. Counsel must use the Exhibit List form found on the undersigned's website.

3. **Marking Exhibits.** Before the hearing, counsel must mark exhibits using the exhibit tags on the undersigned's website. Counsel must staple the appropriate colored, party-specific exhibit tag to the upper right corner of the first page. In completing the exhibit tags, the Government and Defendant must use consecutive numbers to mark exhibits. For example:

Type of Exhibit	Examples and Instructions	
Government	Gov. 1, Gov. 2, Gov. 3, etc.	
Defendant	Def. 1, Def. 2, Def. 3, etc.	
Joint Exhibits	Joint 1, Joint 2, Joint 3, etc.	
Composite Exhibits	Mark each exhibit in the composite separately using a number and lower-case letter, e.g., Gov. 1a, Gov. 1b, Gov. 1c, etc.	Identify each exhibit in the composite on a separate line in the exhibit list.

Direct questions on exhibit lists and tags to the Courtroom Deputy Clerk.

4. **Electronic Exhibit Binder.** No later than **noon on March 25, 2024**, counsel for each party must provide the undersigned an **electronic** exhibit binder that contains all exhibits each party intends to introduce at the hearing. The electronic exhibit binder is for the undersigned's use only and replaces the hardcopy exhibit binder traditionally submitted to the Court.

Because the electronic exhibit binder is for the undersigned, counsel must still bring paper copies of all exhibits that may be introduced at the hearing.

Each separate exhibit must be saved as a PDF document and then combined with the other exhibits into a single PDF file. The single PDF file is the electronic exhibit binder. Within the single PDF file, counsel must identify each exhibit separately using PDF bookmarks.² When possible, counsel should scan an exhibit for the electronic exhibit binder with Optical Character Recognition.

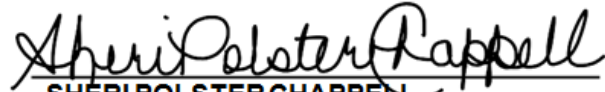
The electronic exhibit binder must be emailed to the Chambers' inbox. Include the case number and case name in the email subject line. If the file containing the electronic exhibit binder is too large to email, counsel should contact the Courtroom Deputy Clerk.

5. **Courtroom Technology.** Counsel must use the technology and equipment available in the courtroom. So counsel should contact the Courtroom Deputy Clerk to test the equipment **before** the hearing.

6. **Sanctions.** A party who does not comply with the preceding paragraphs may be subject to sanctions including, but not limited to, the preclusion of exhibits and witnesses at the hearing.

¹ If an exhibit is physical evidence (e.g., drugs, ammunition, firearm), counsel should insert a placeholder exhibit that states, "Exhibit [Number] is [description of exhibit]."

DONE AND ORDERED in Fort Myers, Florida on March 11, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All parties of record