

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 23-80141-CR-MIDDLEBROOKS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMMANUEL BULLY, JR.,

Defendant(s).

ORDER SETTING JURY TRIAL

IT IS HEREBY ORDERED that the above-entitled cause is hereby set for Trial before the Honorable Donald M. Middlebrooks, United States District Judge, at United States District Court, 701 Clematis Street, *West Palm Beach, Florida*, during the two-week period **commencing September 25, 2023 at 9:00 am**, or as soon thereafter as the case may be called.

PLEASE TAKE FURTHER NOTICE that a **Calendar Call** will be held on **September 19, 2023 at 1:15 pm** at the United States District Court, 701 Clematis Street, Courtroom 7, 2nd Floor, *West Palm Beach, Florida*. Defendants are required to appear at calendar call. At the request of the parties, the Court will entertain a change of plea at the calendar call. **PLEASE NOTE: Qualification for Acceptance of Responsibility is jeopardized if an intention to enter a plea of guilty is not announced at or before the calendar call noted above. see United States Sentencing Commission Guidelines Manual, §3E1.1 application notes 1(h) and 6 ("[to] qualify under subsection (b)(2) the defendant must have notified authorities of his intention to enter a plea of guilty at a sufficiently early point in the process so that the government may avoid preparing for trial and the court may schedule its calendar efficiently.").**

1. All requests for Writs Ad Testificandum must be filed not later than fourteen (14) business days prior to the first day of the scheduled trial period to insure adequate time for processing.

2. On the first day of trial, counsel shall prepare and submit to the Court proposed jury instructions with the substantive charges and defenses. Counsel shall also e-mail a copy of the instructions in Word format to the Court's e-file address at middlebrooks@flsd.uscourts.gov. To the extent these instructions are based upon the Eleventh Circuit Pattern Jury Instructions, counsel shall indicate the appropriate Eleventh Circuit Pattern Jury Instruction upon which their instruction is modeled.

3. All responses to the Standing Discovery Order and/or Local Rule 88.10 shall be provided timely. Noncompliance may result in sanctions. Fed. R. Evid. 404(b) notices shall include a specific factual basis for the evidence sought to be introduced.

4. Initial and Supplemental discovery responses provided "out-of-time" shall include a statement in the first paragraph of the response explaining why Criminal Discovery was not complied with in a timely fashion.

5. No later than the beginning of the government's case-in-chief, counsel for the government shall present a list of proposed witnesses and/or exhibits. Counsel for the defendant(s) shall provide a list of proposed witnesses and/or exhibits at the beginning of the defense case-in-chief or if evidence is submitted during the government's case, at such time evidence is first offered. All exhibits offered into evidence must be pre-labeled in accordance with the proposed exhibit list. Exhibit labels shall include the case number. The Parties exhibit list should be prepared using the Administrative Office's form 187 (AO-187). The Parties are responsible for complying with the Southern District of Florida's Administrative Order 2016-70, which was entered on November 22, 2016, concerning the electronic submission of admitted

exhibits.¹ Counsel shall also submit to the Court in writing any motions in limine regarding trial issues at the **Calendar Call/Status Conference**.

6. Counsel are instructed that arrangements for appropriate clothing for Defendants in custody must be made with the Bureau of Prisons at least **seven (7) days** prior to the scheduled trial date.

7. Counsel are further instructed to notify the Court, if an interpreter is required, at least 24 hours prior to any hearing or trial.

8. Any attorney seeking exoneration of a cash bond shall obtain a copy of the form entitled "Motion for Disbursement of Bond" from the clerk of court or file the appropriate motion.

9. If either party seeks to introduce transcript(s) at trial, the moving party shall present a copy to all counsel not less than ten (10) days prior to the scheduled trial date. If a transcript cannot be agreed upon, each party shall produce their own version of the transcript for presentation to the trier of fact. Government counsel shall notify the case agent/client agency of this requirement.

10. Counsel shall reduce all stipulations to writing prior to trial.

11. Absent an emergency or other good cause shown, any motion for continuance must be filed **seven (7) calendar days** prior to calendar call. **All motions shall be accompanied by a written statement certifying that counsel for the moving party has conferred with opposing counsel in a good faith effort to resolve by agreement the subject matter of the motion as required by Local Rule 88.9.**

¹ Note that any exhibits admitted during a hearing are also required to be filed electronically on the docket after the hearing. *See* Administrative Order 2016-70.

12. If defense counsel anticipates that sentencing hearing will take more than thirty (30) minutes, the courtroom deputy clerk shall be advised not later than five (5) days prior to the hearing.

13. Any defense counsel who has or will represent witnesses, co-defendants, targets, or subjects in this or any other related criminal case shall notify the Court immediately so that a Garcia Hearing can be scheduled to resolve any potential or actual conflicts of interest. It is the desire of the court that all Garcia Hearings be conducted as close to the time of arraignment as possible.

14. **CM/ECF PROCEDURES:**

COURTESY COPIES: Notwithstanding the implementation of CM/ECF, all parties shall deliver a courtesy copy to the Intake Section of the Clerk's Office on all dispositive motions and/or motions exceeding twenty-five pages. This copy shall be bound and any Attachments and/or Appendices must be indexed with tabs.

PROPOSED ORDERS: Pursuant to the CM/ECF Administrative Procedures, counsel shall send a proposed order in **Word format** for **ALL** non-dispositive motions directly to Middlebrooks@flsd.uscourts.gov.

DONE AND ORDERED at West Palm Beach, Florida, this 22nd day of August, 2023.

A handwritten signature in black ink, appearing to read 'Donald M. Middlebrooks', is written over a horizontal line.

Donald M. Middlebrooks
United States District Judge

cc: All Counsel of Record