

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-60173-CR-WILLIAMS/GRAHAM

UNITED STATES OF AMERICA,

Plaintiff,

v.

CAROLYN D. WADE and
TRACY D. WADE,

Defendant.
_____ /

CRIMINAL TRIAL SCHEDULING ORDER

PLEASE TAKE NOTICE that the above entitled cause is hereby **specially set** for a **Criminal Jury Trial** before the Honorable Donald L. Graham, Judge for the United States District Court, Southern District of Florida in the Wilkie D. Ferguson, Jr., U.S. Courthouse, 13th Floor, Courtroom 13-4, 400 North Miami Avenue, Miami, Florida, during the two-week trial period commencing **Monday, October 7, 2024, at 9:00 a.m.**

PLEASE TAKE FURTHER NOTICE that a **Calendar Call** will be held on **Tuesday, October 1, 2024 at 1:00 p.m.**, before Judge Graham, at the aforementioned address.

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

2. If the case is a Jury Trial, counsel shall prepare and submit to the Court, by **September 25, 2024**, any proposed Voir Dire questions necessary to elicit information concerning prospective jurors other than identity and general background information.
3. In addition, notice of counsel shall submit to the Court on **September 25, 2024**, any **notice of any evidentiary issues** and proposed **jury instructions, in typed form and emailed to graham@flsd.uscourts.gov (in Word format)** including substantive charges and defenses. Eleventh Circuit Pattern Jury Instructions, 2016 edition may be referred to by listing only the instruction number and page number.
4. All responses to the 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 in writing a specific factual basis for the evidence sought to be introduced. The rule requires "the prosecution to provide notice, regardless of how it intends to use the extrinsic act evidence at trial, i.e., during its case-in-chief, for impeachment, or for possible rebuttal." Fed.R.Evid. 404(b) Advisory Committee's note to 1991 amendments.
5. The Government and the defense shall strictly comply with Local Rule 88.10(P), which requires the preparation of a written statement signed by all parties describing discovery material exchanged and agreed upon trial stipulations. The parties will also acknowledge in the written statement that they have read the Court's Criminal Trial Scheduling Order.
6. 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.
7. All counsel shall submit to the Court, by **September 25, 2024**, a typed list of proposed

witnesses and/or exhibits to be presented at trial. **All exhibits** which will be offered into evidence must be pre-labeled in accordance with the proposed exhibit list. Exhibit labels shall include the case number. Labels may be obtained from the Clerk of Court.

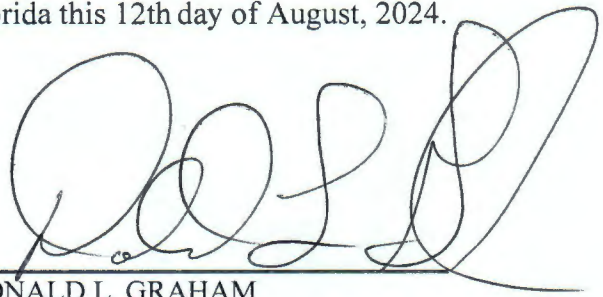
8. Counsel shall also submit to the Court in writing any **Motions in Limine** regarding trial issues prior to the scheduled trial date. The Government shall submit its Motions in Limine within **seven (7) days** of the date of this order. The Defense **Motions in Limine** are due on **September 18, 2024**.
9. 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.
10. Counsel are instructed to notify the Court if an interpreter is required at least 24 hours prior to any hearing or trial.
11. Any attorney seeking exoneration of a cash bond shall obtain a copy of this Court's form Motion for Disbursement of Bond from the Courtroom Deputy.
12. 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.
13. Prior to trial, counsel shall reduce all stipulations to writing.
14. **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.

15. This case is set date certain and no motions for continuance will be considered.
16. All motions, other than Motions in Limine, are due by **August 19, 2024**. Motions will not be favorably considered unless the parties have complied with Local Rule 88.10 (P) which requires the filing of a written statement describing all discovery material exchanged.
17. Defense counsel who have 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.
18. Discovery responses to the Standing Discovery Order which generally allege the government "will" disclose or provide discovery information is not in compliance. The Order is clear. Discovery "shall" be provided on or before fourteen (14) days from the date of the Standing Discovery Order. Untimely produced discovery by any party is subject to exclusion.
19. **Motions filed Pursuant to Rule 35(b)**; The Government shall file a pleading setting forth the nature, extent and quality of the Defendant's cooperation as well as a specific sentence recommendation.
20. Counsel shall file with the Court any Brady Materials no later than two (2) weeks from the date of this Order.

21. The pleadings shall set forth the full facts of the Defendant's cooperation. The pleadings will serve as the basis for the Court's reduction of sentence. If the parties deem it necessary, affidavits may be used, however proffers of evidence are acceptable. Submissions may be filed under seal if deemed appropriate.

DONE AND ORDERED at Miami, Florida this 12th day of August, 2024.



DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

Copied: Counsel of Record