
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

versus

MARK ISAAC SNARR and
EDGAR BALTAZAR GARCIA

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CRIMINAL ACTION NO. 1:09-CR-15

FOURTH AMENDED SCHEDULING ORDER

The court enters this case specific scheduling order which controls disposition of this action pending further court order. Although the provisions set forth herein are mandatory and binding upon all parties, nothing in this order limits the court's discretion to enhance, supplement, amend, or eliminate any provision in the interest of justice. The parties are advised that the court intends to strictly adhere to the following scheduling deadlines:

August 28, 2009

Brady disclosure deadline. Deadline for the Government to make disclosures required by *Brady v. Maryland*, 373 U.S. 83 (1963) (evidence which might tend to exculpate the defendant, mitigate, punishment, or impeach testimony which may be determinative of a defendant's guilt or innocence). Any exculpatory evidence coming into the possession of the Government after this deadline shall be immediately provided to the Defendants.

October 7, 2009

Discovery deadline for guilt/innocence issues.

October 30, 2009, at 10:00 a.m.

Hearing. a) Status Conference; b) The court will hear testimony from the jury administrator regarding the creation of the master jury wheel and allow counsel to question her so as to make any record regarding the Eastern District Jury Plan they deem appropriate.

November 23, 2009	<u>Mental health evidence.</u> Defendants shall give written notice to the Government if they intend to introduce evidence or testimony, whether through an expert or lay witness, regarding their mental health at any phase of the trial. Defendants must disclose the identity of any witnesses and whether or not they will interview the Defendants.
November 23, 2009	<u>Motion to sever Defendants.</u> Deadline to file electronically a motion to sever Defendants. The motion and briefing in support thereof should be filed as one document.
November 30, 2009	<u>Response to motion to sever Defendants.</u> Deadline to file electronically response to motion to sever. The response and briefing in support thereof should be filed as one document.
December 7, 2009	<u>Expert witnesses.</u> Deadline to disclose identity of expert witnesses, a summary of their qualifications, and any reports of physical, scientific or mental examinations or experiments made by experts in connection with this case that the parties intend to introduce as evidence, including a written summary of any testimony of said expert witnesses as required by Rule 16 (b)(1)(C).
December 9, 2009	<u>Guilt/Innocence pre-trial motions.</u> Deadline to file electronically all guilt/innocence pre-trial motions. The motion and briefing in support thereof should be filed as one document.
December 30, 2009	<u>Responses to guilt/innocence pre-trial motions.</u> Deadline to file electronically responses to all pre-trial guilt/innocence motions. The response and brief in support thereof should be filed as one document.
January 4, 2010	<u>Discovery deadline for punishment issues.</u> Deadline for parties to comply with all discovery and inspection obligations required by Rule 16 of the Federal Rules of Criminal Procedure.
February 1, 2010 at 10:00 a.m.	<u>Status Conference.</u>
February 1, 2010	<u>Juror qualification questionnaire review deadline.</u> Deadline for counsel to review the juror qualification questionnaires of those persons presumptively inappropriate for inclusion

in the master jury wheel because they are disqualified, exempt, or have an excuse. Counsel will need to make arrangements to review the questionnaires with the jury administrator prior to this date

February 5, 2010

Objections to expert witnesses. Deadline to file any objections or challenges to expert witness testimony pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

February 16, 2010

Deadline to file motions in limine and pre-trial motions regarding punishment.

February 16, 2010

Writ deadline. Deadline to file requests for the issuance of any writs of habeas corpus ad testificandum. Requests should be filed under seal.

February 26, 2010

Proposed jury questionnaire. Deadline to file electronically the joint proposed juror questionnaire. The parties shall endeavor to reach agreement on the form and substance of the questions included. Those portions of the questionnaire which remain in dispute should be identified in boldface type.

March 4, 2010 at 9:00 a.m.

Status Conference.

March 5, 2010

Response to motions in limine and pre-trial motions regarding punishment due.

March 12, 2010

Jury information card review. Counsel will jointly convene in the jury impaneling room to review the jury information cards and consider additional disqualifications, hardships, excuses, and requests for deferment.

March 12, 2010

Plea agreement. Deadline to notify the court of any plea agreement. No plea agreement entered into after the deadline shall be recognized by the court absent good cause shown.

March 19, 2010

Mental health examination. Deadline for examination of the Defendants by mental health professional selected by the Government if appropriate.

March 23, 2010	<u>Potential witness lists due.</u> Deadline for the parties to submit to the court potential witness lists identifying the residence (city and state) of each potential witness for the purpose of listing such persons in the jury questionnaire.
March 25, 2010	<u>Amended witness list due.</u> Deadline for the parties to submit to the court any additions, deletions, or corrections to proposed witness lists for the purpose of listing each potential witness in the jury questionnaire.
March 26, 2010	<u>Pre-trial disclosure.</u> The Government shall disclose all <i>Giglio</i> and Jencks Acts materials in the Government's possession. Subsequent modifications or additions to such matter shall be provided to Defendants on a continuing basis, but no later than the day prior to the date the Government plans to call the witness to testify.
March 29, 2010, at 10:00 a.m.	<u>Pre-trial conference.</u> The court shall convene a pre-trial conference with counsel to resolve outstanding jury selection issues, pending motions (if any), motions in limine, and trial scheduling matters.
March 29, 2010	<u>Jury instructions.</u> Deadline to file proposed agreed jury instructions and verdict form for the guilt/innocence phase and proposed opposed instructions with appropriate citations to authority for each. Those instructions that remain in dispute should be identified in boldface type. Any party seeking to file proposed jury instructions after the deadline may do so only with leave of court.
March 29, 2010	<u>Exhibit lists due.</u> Deadline for the parties to submit to the court an exhibit list and two copies of all exhibits expected to be introduced during trial. All exhibits to be used at trial should be pre-marked numerically and in succession. Groups of exhibits pertaining to the same subject matter may, at counsel's discretion, be numbered and lettered (i.e., 2a, 2b, 2c).
March 31, 2010	<u>Government shall provide to Defendants a copy of the Indictment and a list of veniremen and witnesses.</u> Pursuant to 18 U.S.C. § 3432, the Government shall provide to Defendants a list of the veniremen and the witnesses to be produced at trial, identifying the residence (city and state) of each venireman and witness.

April 5, 2010

Objections to proposed jury instructions. Deadline to file any written objections to proposed jury instructions. Objections must be written, specific, cite authority, and include any alternate instructions counsel deems appropriate.

April 6, 2010, at 10:00 a.m.

General voir dire commences.

April 12, 2010 at 10:00 a.m.

Individual voir dire commences.

May 3, 2010 at 9:00 a.m.

Trial.

SIGNED at Sherman, Texas, this 9th day of March, 2010.

A handwritten signature in cursive script that reads "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE