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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,)	CR-17-585-PHX-GMS
Plaintiff,)	ORDER SETTING FINAL
vs.)	PRETRIAL CONFERENCE
Thomas Mario Costanzo,)	
Defendant.)	

IT IS ORDERED setting a Final Pretrial Conference for **Tuesday, March 13, 2018** at **9:30 a.m.**, before Judge G. Murray Snow, in Courtroom 602, Phoenix, Arizona.

IT IS FURTHER ORDERED that the attorneys who will be responsible for the trial, as well as the Defendant, shall attend the Final Pretrial Conference. Counsel shall bring their calendars so that trial scheduling can be discussed. Counsel shall be prepared to discuss each of the items set forth below:

- (1) Trial schedule,
- (2) Voir dire procedures,
- (3) Number of witnesses,
- (4) Number of exhibits,
- (5) Marking of exhibits and copies for the court,
- (6) Special equipment needs,
- (7) Need for an interpreter.

1 The parties shall submit a joint list of proposed jury instructions. The list shall contain four
2 sections, including an Index at the beginning, to be followed by the entire proposed jury
3 instruction on a separate page.

4 I. Section I shall contain model instructions. If an instruction is requested by both
5 parties, the instruction shall be preceded by “ST” (stipulated). If the instruction is
6 requested by only one party, the instruction shall be preceded by either “PL”
7 (Plaintiff) or “DF” (Defendant).¹ For example:

8 **EXAMPLE OF MODEL INSTRUCTIONS:**

9 **I. MODEL INSTRUCTIONS**

10 **A. Preliminary Instructions**

11 ST 1.1 Duty of Jury

12 ST 1.2 The Charge-Presumption of Innocence

13 ST 1.3 What is Evidence

14 ST 1.4 What is Not Evidence

15 ST 1.5 Direct and Circumstantial Evidence

16 **B. Instructions In The Course Of Trial**

17 ST 2.1 Cautionary Instruction-First Recess

18 ST 2.2 Bench Conferences and Recesses

19 PL 2.7 Transcript of Recording in English

20 PL 2.10 Other Crimes, Wrongs or Acts of Defendant

21 **C. Instructions At End Of Case**

22 ST 3.1 Duties of Jury to Find Facts and Follow Law

23 ST 3.2 Charge Against Defendant Not Evidence-Presumption of Innocence-
24 Burden of Proof

25 ST 3.3 Defendant’s Decision Not to Testify

26 **D. Consideration of Particular Evidence**

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¹ If multiple Defendants, identify which Defendant.

- 1 ST 4.1 Statements by Defendant
- 2 PL 4.3 Other Crimes, Wrongs or Acts of Defendant
- 3 DF 4.5 Character of Victim
- 4 PL 4.14 Opinion Evidence, Expert Witness

5 **E. Responsibility**

- 6 ST 5.6 Knowingly-Defined

7 **F. Specific Defenses**

- 8 DF 6.8 Self-Defense (modified)

9 **G. Jury Deliberations**

- 10 ST 7.1 Duty to Deliberate
- 11 ST 7.2 Consideration of Evidence-Conduct of the Jury
- 12 ST 7.3 Use of Notes

13 **II.** Section II shall contain any non-model instructions to which the parties have
14 stipulated.

15 **III.** Section III shall contain any non-model instructions requested by Plaintiff (numbered
16 consecutively). Plaintiff shall include citation to authority to support the requested
17 instruction. Defendant shall state all objections to such instruction immediately
18 following the instruction and Plaintiff's authority. Defendant shall support any
19 objection with citation to authority. If Defendant offers an alternative instruction,
20 such alternative instruction shall immediately follow Defendant's objection.

21 **IV.** Section IV shall contain any non-model instructions requested by Defendant
22 (numbered consecutively). Defendant shall include citation to authority to support the
23 requested instruction. Plaintiff shall state all objections to such instruction
24 immediately following the instruction and Defendant's authority. Plaintiff shall
25 support any objection with citation to authority. If Plaintiff offers an alternative
26 instruction, such alternative instruction shall immediately follow Plaintiff's objection.

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