

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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: UNITED STATES OF AMERICA : Crim. No. 3:21CR00186 (SALM)  
: :  
v. : :  
: :  
DENIS MURTIC, ALEXANDER : :  
RODRIGUEZ, and EFRAIN ROSARIO : September 14, 2022  
: :  
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**PRETRIAL ORDER**

Government counsel: Geoffrey M. Stone

Defense counsel:

- (1) Defendant Denis Murtic: Allison Murray Near
- (2) Defendant Alexander Rodriguez: Richard R. Brown
- (3) Defendant Efrain Rosario: Jessica Skowronek, J. Patten Brown

**1. Pretrial Motions under Rule 12(b)(3)**

- A. Defendants shall file any substantive motions on or before **September 26, 2022**.
- B. Any responses by the government must be filed on or before **October 17, 2022**.
- C. Any reply briefs by defendants must be filed on or before **October 24, 2022**.

**2. Jury Selection**

- A. Counsel for the government and the defendants shall confer in an effort to prepare a joint proposed statement describing, as briefly as possible, the nature of the case. This statement must be filed on or before **November 10, 2022**. This statement will be read to the jury panel during jury selection. If the parties cannot reach agreement on a statement, the parties shall file their proposed versions by that same deadline.

- B. Jury selection will be held on **December 8, 2022, at 9:00 a.m.** Counsel and their clients must be present in the courtroom and ready for proceedings by no later than **8:30 a.m.** to address pre-jury selection matters.
- C. Counsel shall submit any proposed voir dire questions for the jury panel on or before **November 10, 2022.**
- C. Peremptory Challenges – Jurors and Alternate Jurors: The number of peremptory challenges, and the procedure for exercising peremptory challenges in accordance with Rule 24(b) and (c) of the Federal Rules of Criminal Procedure, will be determined at the pretrial conference on **November 29, 2022.**

**3. Trial Schedule**

The trial is currently scheduled to begin **December 12, 2022.** Each trial day will commence for counsel no later than 8:30 a.m. Evidence may begin as early as 9:00 a.m. and will ordinarily conclude by 4:30 p.m. Trial dates and times are subject to reasonable adjustment by the court, and counsel should be prepared accordingly.

**4. Witnesses**

- A. Counsel for the government shall provide counsel for the defendants with a final witness list on or before **November 10, 2022,** if it has not already done so. The government will be expected to make a showing of good cause for any late notice of intention to call any additional or substituted witnesses who are not included on its final witness list.
- B. Counsel for the government shall provide counsel for the defendants with any Jencks Act and Giglio material for its witnesses on or before **November 10, 2022.** Any reverse disclosure material shall be provided by each defendant on or before **November 17, 2022.**
- C. The parties shall be prepared to discuss at the pretrial conference whether they seek a witness sequestration order in this case. The government may

request to have a case agent present at counsel table for the duration of the trial.

- D. If the government or any defendant intends to proffer any expert testimony, the offering party must disclose its expert's qualifications, opinions, and bases therefor by **October 20, 2022**, if it has not already done so. If an opposing party has any objection to an expert, including under Kumho or Rule 702 of the Federal Rules of Evidence, that party must make a motion to preclude such expert on or before **October 27, 2022**, and any opposition to such motion must be filed on or before **November 3, 2022**.

**5. Exhibits**

- A. Counsel for the government and the defendants shall meet no later than **November 22, 2022**, to pre-mark the exhibits that they intend to offer at trial. All of the exhibits shall be pre-marked for identification and, to the extent possible, as full exhibits. **All exhibits shall be numbered, rather than lettered**, and to the extent practicable, shall be numbered in the order that they are likely to be offered, using exhibit tags, which can be provided by the Clerk's Office upon request. In order to coordinate exhibit identification to ensure that exhibits and exhibit numbers are not duplicated, exhibit numbers should begin as follows:

Government's exhibits	1
Defendant Murtic's exhibits	500
Defendant Rodriguez's exhibits	600
Defendant Rosario's exhibits	700

- B. No later than **December 1, 2022**, counsel for the government and counsel for each defendant shall provide the Court with a list of exhibits and one copy of all exhibits (except firearms, contraband, and other physical objects) that will be introduced at trial, as well as a full copy of all exhibits in electronic format.
- C. Any diagrams, drawings, written demonstrative aids, or markings on exhibits should be drawn or marked before the witness with which they are to be used takes the stand, and should be disclosed to all other counsel no

later than 3:00 p.m. two business days in advance of the proposed use at trial. Absent objection, the witness may then adopt the diagram, drawing, written demonstrative aid, or marking and tell the jury what it represents. Any objection must be raised at or before 3:00 p.m. on the business day before such diagram, drawing, written demonstrative aid, or marking will be used during trial.

- D. Counsel are advised to direct witnesses to review all exhibits about which they will be questioned on direct-examination prior to trial. Any testifying government agents should bring any reports or declarations they have prepared in connection with this case to the witness stand when they testify.

## 6. Evidentiary Issues

- A. Counsel for the government and defendants shall file any motions in limine on any anticipated evidentiary issue on or before **November 10, 2022**. Objections to any such motions shall be filed on or before **November 17, 2022**.
- B. At the pretrial conference, scheduled for **November 29, 2022, at 10:00 a.m.**, the Court will hear argument and evidence on any evidentiary issues, objections to exhibits or witnesses, motions in limine, or other matters raised in motions as required above. **The individual defendants are required to be present at this hearing.**
- C. If significant objections arise after the filing of motions, as required by paragraph A above, counsel shall prepare a written motion setting forth all specific objections, supported by legal memoranda citing appropriate supporting authorities. However, the Court will not consider other issues before or during the trial that are not raised by motion with accompanying legal memoranda in accordance with the deadlines listed above, absent a strong showing that counsel could not, by the exercise of due diligence, have raised the issue sooner. Counsel are advised that, where any such matters could not have been raised by the deadline in paragraph A above, counsel should bring the matter to the Court's attention as soon as counsel becomes aware of the issue.

D. The Court expects all trial testimony to be presented without interruption on each day of trial, excluding recesses. The Court expects to hear argument on issues that are raised in the course of the trial only in advance of the start of evidence, at the end of evidence, or at the beginning of any recesses. Arguments on such issues will not be entertained at the end of a recess or during testimony. Counsel are advised that the Court does not intend to hold bench or chambers conferences during the trial day.

**7. Stipulations**

The parties shall file a joint list of stipulated facts (if any) in a form to be read to the jury no later than **December 5, 2022**.

**8. Jury Instructions and Verdict Forms**

A. The court will provide counsel with proposed pretrial jury instructions to be read at the beginning of evidence. Counsel for the government and the defendants will have the opportunity to submit proposed modifications to the pretrial jury instructions.

B. The parties shall submit any requests to charge and proposed jury instructions by **November 10, 2022**. Prior to the charging conference, the Court will provide the parties with a draft of the jury instructions to be read at the conclusion of evidence. Counsel will be expected to state any objections to the jury instructions at the charging conference and to provide written memoranda citing supporting authorities and providing any alternative instruction counsel considers more appropriate in light of the supporting authorities cited.

**9. Rule 404(b) Evidence**

Pursuant to Rule 404(b) of the Federal Rules of Evidence, on or before **November 10, 2022**, the government shall submit, if necessary, notice of any additional "other crimes, wrongs, or acts" evidence that it may introduce during the trial. If there are objections to any area of inquiry identified in the government's supplemental

memorandum, counsel for the objecting defendant(s) shall file a motion in limine identifying the area of inquiry objected to and the basis for the objection on or before **November 17, 2022**. Counsel for the government and all defendants should be prepared to argue any such objections at a pretrial conference on **November 29, 2022**.

**10. Objections**

Any objections to this Order shall be made in writing within five (5) days of the issuance of this Order.

It is so ordered at Bridgeport, Connecticut, this 14th day of September 2022.

/s/  
HON. SARAH A. L. MERRIAM  
UNITED STATES DISTRICT JUDGE