

FILED

January 28, 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

BY: CSanchez
DEPUTY

THE HONORABLE ANNE T. BERTON §
 § ALL CRIMINAL CASES
 §

**STANDING ORDER REGARDING PRETRIAL MOTIONS, CERTAIN DISCLOSURES,
AND TRIAL PREPAREDNESS IN CRIMINAL CASES**

Counsel SHALL carefully review and comply with these practices and procedures:

<p>Upon Defendant's Request for Trial</p>	<p><u>Pretrial Motions.</u> The parties shall request a briefing schedule from the Court to file pretrial motions, if any.</p>
<p>Not Later Than Three Weeks Before Trial</p>	<p><u>Disclosures Under <i>Brady</i>, <i>Giglio</i>, and <i>Napue</i>.</u> The Government shall disclose to the Defendant and permit inspection and copying of all information and materials known to the Government which may favor the Defendant on the issues of guilt or punishment within the scope of <i>Brady v. Maryland</i>, 373 U.S. 83 (1963), or which tends to impeach the Government witnesses. The Government shall also disclose to the Defendant the existence and substance of any payments or promises of immunity, leniency, or preferential treatment made to prospective Government witnesses within the scope of <i>Giglio v. United States</i>, 405 U.S. 150 (1972), and <i>Napue v. Illinois</i>, 360 U.S. 264 (1959). The Court reminds the Government of its continuing obligation to disclose any exculpatory evidence to the Defendant and to learn of any such evidence known to others acting on the Government's behalf. <i>See Kyles v. Whitley</i>, 514 U.S. 419 (1995). The Government's disclosure obligations apply even when the defendant has not requested any exculpatory evidence from the Government. <i>See United States v. Agurs</i>, 427 U.S. 97 (1976). These obligations to timely provide exculpatory evidence are not diminished by the fact that such evidence also constitutes evidence that must be produced later under the Jencks Act, 18 U.S.C. § 3500, or by the fact that such evidence need not be produced according to Federal Rule of Criminal Procedure 16. <i>See United States v. Campagnuolo</i>, 59 F.2d 852 (5th Cir. 1979); Fed. R. Crim P. 16 advisory comm.'s notes to 1974 amend. ("The rule is intended to prescribe the minimum amount of discovery to which the parties are entitled."). If the Government identifies any evidence which it believes to be exculpatory or favorable to the Defendant but not material, the Government shall submit such information to the Court for <i>in camera</i> review.</p>

<p>Not Later Than Two Weeks Before Trial</p>	<p><u>Joint Proposed Jury Charge and Verdict Form (If Jury Trial).</u></p> <p>The parties shall meet and confer, and then file a Joint Proposed Jury Charge and a Verdict Form consistent with the guidelines below. Upon filing, the parties shall promptly email a Microsoft Word version of the Joint Purposed Jury Charge and the Verdict Form as filed, to the undersigned’s email address at anne_berton@txwd.uscourts.gov (the email’s subject line must include the case number and the text “Joint Proposed Jury Charge”). The Court prefers that the Proposed Jury Charge be based on the Fifth Circuit Pattern Jury Instructions (the most recent edition), but the Court may consider instructions based on another circuit’s pattern jury instructions.</p> <p><u>For general and preliminary jury instructions based on the Fifth Circuit Pattern Jury Instructions</u>, the parties need only provide a list of the applicable section numbers and titles (<i>e.g.</i>, § 1.05 Presumption of Innocence, Burden of Proof, Reasonable Doubt), not the full text. But if a section requires case-specific information (<i>e.g.</i>, § 1.18 regarding Expert Opinion Testimony requires the name of expert and subject matter of the expert’s opinion testimony) or if the parties substantively modify the text of any section in the Joint Proposed Charge, the parties must also provide the full text of the affected section as modified and clearly identify the changes.</p> <p><u>For substantive offense jury instructions based on the Fifth Circuit Pattern Jury Instructions</u>, the parties must provide the section, title, and full text (modified with case specific information as needed) of the specific section containing the proposed instruction.</p> <p><u>If a party proposes an instruction from another circuit’s pattern jury instructions</u>, that party must provide the section, title, and full text of the specific section containing the proposed instruction, along with the name of the circuit and the year/edition of the pattern jury instructions.</p> <p>If the parties disagree on any instruction or set of instructions (as provided under a section of the pattern jury instructions), each party must provide the full text of their respective proposed charge, denoting the party’s name and highlighting, or otherwise pointing out, those portions of the instruction or the set of instructions about which the parties disagree, and the nature of the parties’ disagreement. If a specific instruction or set of instructions is proposed by only one party, that party must provide the full text of the proposed instruction or set of instructions, denoting that proposing party’s name, and the other party must include the nature of its objection, if any, to the proposed instruction or set of instructions.</p>
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**Not Later Than
Ten Days Before
Trial**

Proposed Voir Dire Questions and Case Summary (If Jury Trial).

Each party shall file a list of questions it requests the Court to ask prospective jurors during voir dire. The parties shall also jointly file a summary of the case for the Court to read to the panel to determine whether any juror has prior knowledge of the case.

Joint Motion in Limine (If Jury Trial).

The parties shall file a Joint Motion in Limine but only after the parties confer and discuss their individual motion(s), if any. The Joint Motion in Limine shall identify the items that the parties jointly agree on and the items they dispute, including any related objections. The Court will address any disputed items at a pretrial conference held before trial.

Joint Exhibit List.

The parties shall file a Joint Exhibit List. Before filing, the parties must confer and discuss the admissibility of their respective exhibits. The Joint Exhibit List shall list the exhibits that the parties jointly agree to admit and identify any objections to the other party's designated exhibits to which a party objects. The Court will address any disputed exhibits at a pretrial conference held before trial. The parties shall number their exhibits under Local Rule CV-16(h).

Uploading Exhibits to Box.com.

Before the pretrial conference, the Courtroom Deputy will email instructions with a Box File Request link to each party. The parties shall follow these instructions and upload all trial exhibits to Box. The file name for each uploaded exhibit must match that exhibit's proposed label on the record and follow the naming convention required by the Jury Evidence Recording System (JERS): <https://www.txwd.uscourts.gov/for-attorneys/jers-jury-evidence-recording-system/>. Counsel must use specific, descriptive file names rather than vague or generic labels, as these file names will be visible to jurors when viewed through JERS at the end of a jury trial.

Witness List.

The parties shall file a list of any potential trial witnesses.

Stipulated Facts.

The parties shall file a list of proposed stipulated facts, if any.

Length of Trial.

The parties shall jointly file a statement with an estimate of the probable length of trial.

Interpreters.

Any need for an interpreter, for the Defendant or a witness, should be communicated to the Courtroom Deputy.

<p>Not Later Than Seven Days Before Trial</p>	<p><u>Technology.</u> The parties must notify the Court if they intend to use laptops, tablets, or other electronic presentation device, including presenting paper exhibits on an ELMO document camera. If counsel fails to provide notice, the Court may prohibit the use of electronic presentation devices, and no extensions or accommodations will be granted for delays due to the unavailability of electronic presentation methods. Counsel are advised that technology in the Magistrate Courtrooms differs significantly from that in the District Courtrooms.</p>
<p>During Voir Dire</p>	<p>Each party will be allotted ten minutes to ask any other questions.</p>
<p>During Opening Statements</p>	<p>The Court will limit opening statements to ten minutes per side. The Court will consider allowing additional time for opening statements only in special circumstances (for example, multiple defendants).</p>
<p>Before Close of Trial</p>	<p>Parties must ensure that <i>all</i> trial exhibits admitted into evidence are uploaded to Box before deliberations begin. Exhibits not uploaded will not be available for release to the jury through JERS.</p>

So ORDERED and SIGNED this 28th day of January, 2026.



ANNE T. BERTON
UNITED STATES MAGISTRATE JUDGE