

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE: ALL CRIMINAL MATTERS)
ASSIGNED TO JUDGE AUSTIN)
)

STANDING ORDER
PURSUANT TO FED. CRIM. R.
16(a)(1)(G)(ii) and (b)(1)(C)(ii)

Rule 16 of the Federal Rules of Criminal Procedure was amended effective December 1, 2022, to require the Court, by order or local rule, to set a deadline for disclosing expert witnesses that is sufficiently before trial to provide a fair opportunity to meet the other party's evidence. The District of South Carolina has not yet adopted a local rule or Standing Order addressing Rule 16 expert disclosure deadlines. Therefore, in any criminal case pending before the undersigned, the parties are ordered as follows:

GOVERNMENT'S DUTY TO DISCLOSE: At the defendant's request, the government must disclose to the defendant, in writing, the information required by Fed. Crim. Rule 16(a)(1)(G)(iii) for any testimony that the government intends to use at trial under Federal Rule of Evidence 702, 703, or 705 during its case-in-chief no later than six (6) weeks before trial, or during its rebuttal to counter testimony that the defendant has timely disclosed under Fed. Crim. Rule 16(b)(1)(C) no later than four (4) weeks before trial.

If the government requests discovery under the second bullet point in Fed. Crim. Rule 16(b)(1)(C)(i) and the defendant complies, the government must, at the defendant's request, disclose to the defendant, in writing, no later than four (4) weeks before trial, the information required by Fed. Crim. Rule 16(a)(1)(G)(iii) for testimony that the government intends to use at trial under Federal Rule of Evidence 702, 703, or 705 on the issue of the defendant's mental condition.

DEFENDANT'S DUTY TO DISCLOSE: At the government's request, the defendant must disclose to the government, in writing, no later than five (5) weeks before trial, the information required by Fed. Crim. Rule 16(b)(1)(C)(iii) for any testimony that the defendant intends to use under Federal Rule of Evidence 702, 703, or 705 during the defendant's case-in-chief at trial, if:

- the defendant requests disclosure under Fed. Crim. Rule 16(a)(1)(G) and the government complies; or
- the defendant has given notice under Fed. Crim. Rule 12.2(b) of an intent to present expert testimony on the defendant's mental condition.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

February 2024 Greenville,
Greenville, South Carolina