

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO**

Criminal Case No. 05-cr-00545-EWN

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. JOSEPH P. NACCHIO,

Defendant.

**JOINT MOTION BY UNITED STATES AND JOSEPH P. NACCHIO
TO ADD TO THE DOCKET CERTAIN MATERIALS THAT
WERE SUBMITTED TO THE COURT IN ADVANCE OF TRIAL**

The United States and Defendant Joseph P. Nacchio jointly submit this motion requesting that certain materials that were submitted to the Court in advance of the trial be added to the Court's docket. The parties state in support hereof:

1. Shortly before the trial in this case, the parties submitted various pretrial materials directly to the Court, without filing them electronically. The parties had intended to file these pretrial materials electronically with the Court, in accordance with the Court's Instructions Concerning Trial Preparation Conference at 1 (referring to the ECF Procedures for the District of Colorado at section V.I). *See* ECF Procedures for the District of Colorado at section V.I (providing that "[t]rial documents ... shall be

electronically filed in ECF so that their filing can be part of the official record”). The parties’ understanding from the Court, however, was that before the trial, the pretrial materials were to be submitted to the Court but not to be electronically filed at that time. *See* Transcript of March 1, 2007 Conference at 3:7-12.

2. Since the conclusion of the trial, numerous materials that were submitted by the parties to the Court in advance of the trial have been placed by the Court on the Court's electronic docket. These documents include, for example, Defendant’s Trial Brief, the United States’ Response to Defendant’s Trial Brief, and Defendant’s Response to the United States’ Trial Brief. *See* Docket Nos. 364-66.

3. However, there are some other materials that the parties submitted to the Court in advance of the trial that have not been added to the Court’s electronic docket since the trial. The parties jointly request that these pretrial materials be added to the Court’s electronic docket so that their filing can be part of the official record. Specifically, the parties wish to add the following documents: (1) the parties’ Stipulated Instructions (which were tendered to the Court on March 1, 2007); (2) the United States’ Trial Brief (tendered March 1, 2007); (3) the United States’ Proposed Disputed Instructions (tendered March 1, 2007); (4) Defendant Joseph P. Nacchio’s Additional Requests to Charge (tendered March 1, 2007); (5) the United States’ Objections to Defendant’s Additional Requests to Charge (tendered March 8, 2007); (6) Joseph P.

Nacchio's Response to Government's Objections to Defendant's Additional Requests to Charge (tendered March 14, 2007); and (7) Joseph P. Nacchio's Additional Requests to Charge (tendered March 14, 2007).

4. The parties jointly and respectfully request that these documents be added to the Court's docket, to clarify the record and facilitate any appellate review. The documents are attached to this motion as Exhibits 1-7.

Dated this 31st day of May, 2007.

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Dated this 31st day of May, 2007.

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2007, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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