

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

In Replying Give Number
Of Case and Names of Parties

November 15, 2005

VIA FACSIMILE

TO ALL COUNSEL OF RECORD

Re: No. 01-17176 - United States v. Ruben Campa, et al. (consolidated with 03-11087, United States v. Gerardo Hernandez, et al.)

Dear Counsel:

For the purposes of the upcoming en banc rehearing in the above-referenced case, the court desires for counsel to focus their briefs on the following issues:

- 1. Did the district court abuse its discretion by denying the defendants' motions to change venue, after finding that an impartial jury could be selected from a cross-section of the community to ensure the defendants a fair trial.**
- 2. Did the district court abuse its discretion when it ruled that the defendants failed to demonstrate prejudice sufficient to warrant application of the presumed prejudice standard, i.e., that pretrial publicity was so pervasive as to render virtually impossible a fair trial by an impartial jury drawn from the community.**
- 3. Did the district court abuse its discretion by denying the defendants' motions for new trial, by failing to consider the interests of justice issue and the exhibits presented in support of that issue, including the affidavit by Professor Moran, the news articles, the Human Rights Watch reports, and the surveys conducted by Dr. Brennan and Dr. Perez.**

Appellant's opening brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Thursday, December 15, 2005. Appellee's opening brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Friday, January 13, 2006. Any reply brief by the Appellants must be filed in the Clerk's Office in Atlanta by **3:00** p.m., Friday, January 27, 2006. **NO EXTENSIONS WILL BE GRANTED.** An original and 18 copies of the en banc briefs should be filed (appellants' in blue covers, appellee's in red covers and any reply in gray covers). The parties are expected to insure that all other parties receive a copy of their briefs before the close of business on the day of filing (facsimile, e-mail,

etc.). NO TIME FOR MAILING SHALL BE ALLOWED. Any amicus curiae briefs are due on the due date of the principal parties and participation by amicus curiae must be permitted by the en banc court. All parties are also required to upload the brief in electronic format to the court's Web site as described in 11th Cir. R. 31-5.

 All counsel are requested to file 16 copies of their opening panel briefs, record excerpts and supplemental authorities prior to 5:00 p.m., Thursday, December 15, 2005.

The case will be argued before the Court sitting en banc during the week of February 13, 2006, in Atlanta, Georgia. Counsel will be allotted 20 minutes per side for oral argument. Counsel will receive a calendar notifying of the specific date and time of oral arguments at a later date.

Thank you for your attention to this matter.

Sincerely,

THOMAS K. KAHN, Clerk

By: _____

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