

INDIVIDUAL PRACTICES IN CRIMINAL CASES
ALISON J. NATHAN, United States District Judge

Chambers

United States District Court
Southern District of New York
500 Pearl Street, Room 615
New York, NY 10007

Courtroom

Sayra DeCasseres, Courtroom Deputy
Courtroom 17B
500 Pearl Street
(212) 805-0142

ECF

1. Counsel are required to register in accordance with the Procedures for Electronic Case Filing promptly after being retained or assigned. Counsel can access the Court's website: www.nysd.uscourts.gov and click on CM/ECF Home Page for complete instructions on how to register.

PROCEDURE

2. The Court's procedure is that a firm trial date will be selected at the initial criminal conference. Prior to the conference, counsel shall confer and be prepared to propose to the Court a trial date and a schedule for any pretrial motions. Once a trial date is selected, it will not be moved absent exceptional circumstances.

COMMUNICATIONS

3. **Scheduling:** For scheduling, please call the Courtroom Deputy, Ms. Sayra DeCasseres, at (212) 805-4505. Upon assignment of a criminal case to Judge Nathan, the parties should contact Ms. Decasseres to set an appropriate date for an initial appearance. The A.U.S.A. shall at that time submit to Chambers a courtesy copy of the criminal complaint, if one exists. Courtesy copies should be e-mailed to NathanNYSDCchambers@nysd.uscourts.gov, and the subject line of the e-mail shall state the caption of the case (including the docket number) and the contents of the e-mail.
4. Except for scheduling and urgent matters requiring **immediate** attention, all communication with the Court should be in **writing** and must contain the docket number for the case and the Court's initials (AJN). Letters should be e-mailed to the Court (NathanNYSDCchambers@nysd.uscourts.gov) as .pdf attachments with copies simultaneously delivered to all counsel. Emails shall state clearly in the subject line (i)

the full caption of the case, and (ii) the contents of the email. The beginning of the email communication must clearly state the contents and purpose of the email.

5. Whenever Defense Counsel has received, or is receiving, a benefactor payment that subjects counsel to a conflict of interest, said counsel must inform the Court and request a Curcio hearing at the **first conference**.

SUBSTITUTION OF COUNSEL

6. When there is a substitution of Defense Counsel, counsel of record must contact the Deputy Clerk to schedule a conference. At the conference, the Court will address the application by defense counsel to be relieved. The defendant, replacement counsel and the A.U.S.A. must also attend the conference.

MOTIONS

7. In making discovery motions, counsel are expected to comply with Southern District Local Criminal Rule 16.1. Any discovery motion must contain the Rule 16.1 affidavit.

GUILTY PLEAS

8. Defense counsel are expected to have reviewed any plea, cooperation or other agreement -- if necessary, with the assistance of an interpreter -- with the defendant **prior** to the time set for the conference with the Court. Defendants shall also be prepared in advance of a guilty plea to give narrative allocutions that incorporate all of the elements of the offense(s) to which they are pleading guilty.
9. When a defendant is pleading guilty pursuant to a plea agreement or a cooperation agreement, a copy of the agreement ordinarily must be received by Chambers at least three business days before the scheduled plea. Where the government is providing a Pimentel letter, a copy of the Pimentel letter must be received by Chambers no fewer than three business days before the scheduled plea.

BAIL MODIFICATIONS

10. Any written request for a bail modification by a defendant shall indicate whether the Government and the Pre-Trial Services Officer consent to the request.

SENTENCES

11. The Court assumes that every document in a sentencing submission, including letters, will be filed in the public record either in paper form or through the ECF system, using the procedures described below.

12. The defendant is responsible for filing all letters submitted on behalf of the defendant, including those from friends, relatives, etc. The Government is responsible for filing all letters from victims. In this regard, the parties are referred to E-Government Act of 2002 and the Southern District's ECF Privacy Policy ("Privacy Policy") and reminded not, unless necessary, to include the five categories of "sensitive information" in their submissions (i.e., social security numbers, names of minor children [use the initials only], dates of birth [use the year only], financial account numbers, and home addresses [use only the City and State]).
13. Parties may redact the five categories of "sensitive information" and the six categories of information requiring caution (i.e., personal identifying number, medical records, treatment and diagnosis, employment history, individual financial information, proprietary or trade secret information, and information regarding an individual's cooperation with the government) as described in the Privacy Policy, without application to the Court. If any material is redacted from the publicly filed document, only those pages containing the redacted material will be filed under seal. Bring a copy of those pages to the sentencing proceeding, marked to indicate what information has been redacted from the publicly filed materials, to give to the Court for filing under seal.
14. If a party redacts information beyond the eleven categories of information identified in the Privacy Policy, an application to do so must be served and filed at the time the sentencing submission is served. The application should clearly identify the redaction and explain the reasons for the redaction. The application will be addressed at the sentencing proceeding.
15. A defendant's sentencing submission shall be served two weeks in advance of the date set for sentence. The Government's sentencing submission shall be served one week in advance of the date set for sentence. The parties should provide the Court with two courtesy copies of each submission when it is served. At the time it is served, a party shall file its sentencing submission following one of the two procedures described here.

16. Paper Filing

- a. **Hard Copies:** If letters are filed as hard copies, a party shall group all letters together in a single paper filing under a cover marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated and submit it to the Clerk's Office.
- b. **ECF Filing:** If letters are filed electronically, they must be grouped and filed together as attachments to a single document marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated.

If you have any questions about these practices, please contact the Courtroom Deputy, Ms. Sayra DeCasseres, (212) 805-0142.