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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA, Plaintiff, v. Defendant(s).	Case No. 0:00-CR-00000 JLS ORDER RE CRIMINAL PROCEEDINGS
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The above matter is set for trial before the Honorable Josephine L. Staton, United States District Judge, Courtroom 10A, Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Santa Ana, CA 92701. Counsel preparing for trial before this Court shall comply with this Order. Failure to comply with this order may subject counsel to sanctions.

MOTION PRACTICE

1. **Conference of counsel.** No fewer than three days prior to the filing of any criminal motion, counsel must confer to determine whether the parties are in agreement regarding the issue(s) to be presented to the Court, and to determine if the scope of issue(s) to be presented to the Court can be narrowed. In the notice of

1 motion, the moving party shall report to the Court that counsel conferred regarding
2 the substance of the motion.

3 **2. Limitations on Briefing.** Memoranda of points and authorities in
4 support of or in opposition to motions shall not exceed twenty-five (25) pages.
5 Replies shall not exceed twelve (12) pages. Only in rare instances and for good
6 cause shown will the Court grant an application to extend these page limitations.
7 No supplemental briefs may be filed without prior leave of court.

8 **3. Hearing Time Estimates Required.** For all motions, counsel's
9 estimate of the time required for presentation of the motion must be set forth
10 adjacent to the caption. Opposition briefs shall also set forth a time estimate.

11 **4. Hearing Date(s) for Pretrial Criminal Motions.** At the latest,
12 pretrial motions in criminal cases are heard at the pretrial status conference, which
13 is usually set by the Courtroom Deputy Clerk for the Friday morning eleven (11)
14 days in advance of trial. However, pretrial motions may be heard at an earlier date.
15 For all motions to be heard prior to the pretrial status conference, counsel shall
16 contact the Courtroom Deputy Clerk in advance to clear a date and time for the
17 hearing.

18 **5. Briefing Schedule for Pretrial Motions.** The briefing schedule shall
19 be that specified in Local Rule 6, which requires that motions be filed no fewer
20 than twenty-eight (28) days in advance of the hearing, and that opposition and
21 reply briefs be filed twenty-one (21) and fourteen (14) days in advance of the
22 hearing, respectively.

23 **6. Discovery Motions.** Any discovery motion shall state with
24 particularity the documents or other materials that have been requested but not
25 produced, and shall set forth the stated basis for the opposing party's refusal to
26 produce discovery.

27 **DISCOVERY AND NOTICE**

28 **7. Duty to Produce and Disclose.** Counsel for the government and

1 counsel for the defendant shall comply promptly with discovery and notice
2 pursuant to Federal Rules of Criminal Procedure 12, 12.1, 12.2, 12.3, 15 and 16.
3 Upon government counsel's discovery of any evidence within the scope of *Brady*
4 *v. Maryland*, 373 U.S. 83 (1963), such evidence shall be produced forthwith to
5 counsel for the defendant. Counsel for the government shall also disclose to
6 counsel for the defendant the existence or non-existence of: (1) evidence obtained
7 by electronic surveillance; and (2) testimony by a government informant.

8 **TRIAL**

9 8. **Trial Schedule.** Trials will commence on Tuesday and continue on
10 Wednesday and Thursday. If the trial is more than 3 days, it will continue Monday
11 through Thursday until completed. Trial hours are from 9:00 a.m. to 12:00 p.m.,
12 and 1:30 p.m. to 4:30 p.m., with a 15-minute break during each session. All
13 counsel shall arrive at the Courtroom at 8:30 a.m. on the first day of trial.

14 9. **Government's Witness List, Exhibit List, and Exhibits.**
15 Government counsel shall provide the Courtroom Deputy Clerk with the
16 following:

- 17 a. Five copies of the government's witness list;
- 18 b. Five copies of the government's exhibit list;
- 19 c. The government's original exhibits, which may be in binders or
20 placed in individual folders;
- 21 d. Two binders properly marked containing copies of all
22 reproducible exhibits, separated by divider tabs containing exhibit numbers.

23 10. **Defense Witness List and Exhibits.** Defense counsel need not
24 deliver their exhibits to the Courtroom Deputy Clerk on the first day of trial;
25 however, defense counsel is responsible for affixing completed exhibit tags to the
26 original of each exhibit they intend to introduce during the trial, and for providing
27 the Courtroom Deputy Clerk with two copies of each exhibit. If defense counsel
28 intends to call witnesses other than the defendant, five copies of defendant's

1 witness list shall be provided to the Courtroom Deputy Clerk prior to the start of
2 defendant's case.

3 11. **Exhibit Tags.** All exhibits presented to the Court by either side shall
4 have the Court's official exhibit tags attached to the lower right-hand corner of the
5 first page of each exhibit. All exhibits longer than one page shall be internally
6 paginated in the lower right-hand corner.

7 12. **Voir Dire.** At least four (4) court days prior to trial, each counsel
8 shall file and serve on opposing counsel any special questions requested to be put
9 to prospective jurors by the Court during voir dire.

10 13. **Jury Instructions and Verdict Forms.** In a jury trial, no later than
11 one (1) week before trial, counsel shall submit JOINT jury instructions and a
12 JOINT proposed verdict form (if a special verdict is desired). In order to prepare
13 these joint documents, counsel shall meet and confer sufficiently in advance of the
14 required submission date with the goal of agreeing upon instructions and a verdict
15 form. The instructions should be submitted in the order in which the parties wish
16 to have the instructions read. This order should reflect a single organized sequence
17 agreed to by all of the parties.

18 The jury instructions shall be submitted as follows:

- 19 a. Agreed upon JOINT jury instructions;
20 b. Instructions propounded by the government to which the
21 defendant(s) objects; and
22 c. Instructions propounded by defendant(s) to which the
23 government objects.

24 Instructions upon which agreement cannot be reached should reflect the
25 basic disagreements among the parties as to the law. Counsel shall include both
26 general and substantive instructions. In addition, counsel must submit electronic
27 versions (either Word or WordPerfect format) to the Court at the following email
28 address: JLS_Chambers@cacd.uscourts.gov.

1 Attribution and case citation for each instruction should be placed on pages
2 following a proposed instruction. For disputed instructions, a party should note its
3 objections to a proposed instruction and its reasons for putting forth its alternative
4 on pages placed after its own alternative instruction.

5 **SENTENCING PROCEEDINGS**

6 14. If a defendant is convicted, the sentencing proceedings will be
7 conducted pursuant to Federal Rule of Criminal Procedure 32 and the Local Rules.
8 If any party wishes to present material to the Court which has (a) not been
9 previously filed with the Court or presented at trial, or (b) not been previously
10 provided to the opposing party and the assigned United States Probation Officer,
11 such party must file and serve the information or evidence no later than two
12 (2) weeks before the scheduled sentencing hearing.

13 Notwithstanding the foregoing, a statement of each party's position
14 concerning sentencing shall be filed and served no later than two (2) weeks before
15 the sentencing hearing, and the proof of service shall reflect service on the
16 assigned United States Probation Officer. Timely filing is important to enable the
17 Probation Officer sufficient time to prepare and disclose any addendum to the
18 Probation Report that may be required in response to new information and/or
19 evidence and/or a party's sentencing position. Failure to timely file and serve such
20 information, evidence, or statement of position may result in such information not
21 being considered by the Court in imposing defendant's sentence.

22 **IT IS SO ORDERED.**

23 **DATED:**

24
25 **JOSEPHINE L. STATON**
26 United States District Judge

27 Revised: March 1, 2016
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