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

Plaintiff(s),  
v.  
Defendant(s).

) CASE NO. CR  
)  
)  
) **DISCOVERY AND TRIAL ORDER IN  
CRIMINAL CASES BEFORE JUDGE  
S. JAMES OTERO UNITED STATES  
DISTRICT COURT**  
)

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**READ THIS ORDER CAREFULLY.  
IT CONTROLS THIS CASE AND  
DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

This case has been assigned to the calendar of The Honorable S. James Otero. To obviate unnecessary motions for discovery in criminal actions, proceedings, matters, or cases assigned to the undersigned Court for trial, the Court notes the following:

- 1. Court Hours:** Criminal motions are heard on MONDAY at 10:00 a.m., unless the Court orders otherwise. (If Monday is a holiday, the next motion date is Tuesday following the Monday holiday.) It is not necessary to clear a motion date. Motions *in limine* are heard on Tuesday, on the FIRST DAY OF TRIAL.
- 2. Location:** Judge Otero's courtroom is located in Courtroom 1, United States District Court, 312 North Spring Street, 2nd Floor, Los Angeles, California 90012.

- 1 **3. Telephone Inquiries:** Telephone inquiries regarding the status of a motion, stipulation or  
2 proposed order are NOT returned.
- 3 a. Counsel may, however, sign-up for Pacer access to monitor the clerk's database.  
4 See [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov) > General Information > Pacer Access.
- 5 b. Counsel are referred to the clerk's website at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov) > Judges'  
6 Procedures and Schedules > Hon. S. James Otero for further information regarding  
7 the Court's preferences.
- 8 c. **Judge Otero's generic e-mail address is SJO\_Chambers@cacd.uscourts.gov.**
- 9 **4. Communication with Chambers:** If counsel is requesting information that can be  
10 obtained from the Court's 24-hour automated calling system or internet website at  
11 [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov), such call will not be returned.
- 12 a. For the 24-hour automated calling system, please call the appropriate number  
13 below:
- 14 i. Western Division at Los Angeles (213) 894-1565;  
15 ii. Eastern Division at Riverside (909) 328-4450; or  
16 iii. Southern Division at Santa Ana (714) 338-4750.
- 17 b. Counsel may access the Court's website for local rules, filing procedures, judges'  
18 procedures and schedules, calendars, forms, and other information. Counsel are  
19 not to initiate telephone calls to Judge Otero's chambers, law clerks or secretary.  
20 However, if counsel need to contact the Courtroom Deputy Clerk, Victor Cruz,  
21 Mr. Cruz may be reached at (213) 894-1796 or via e-mail at  
22 [victor\\_cruz@cacd.uscourts.gov](mailto:victor_cruz@cacd.uscourts.gov).
- 23 c. Counsel are ordered to list their facsimile transmission number along with their  
24 address, telephone number, and e-mail address on all papers submitted to the Court  
25 in order to facilitate communication by the Court.
- 26 **5. Calendar Conflicts:** If there is a calendar conflict, counsel are to inform the Courtroom  
27 Deputy Clerk prior to the date of the conflict and are to follow the Local Rules ("L.R.") and  
28 Federal Rules of Criminal Procedure ("Fed. R. Crim. P.").

1 **6. Transcripts:** To order a transcript, counsel are to call the Court Reporter's Office at  
2 (213) 894-3015. The Court uses a court recorder, Margarita Lopez, who can be reached  
3 at (213) 894-2717.

4 **7. Mandatory Chambers Copies:** Counsel are ordered to provide conformed mandatory  
5 chambers copies without envelopes of all motions, oppositions, and replies. Documents  
6 are to be placed in the chambers copy box outside of Courtroom 1 on the second floor of  
7 the Spring Street Courthouse, United States District Court, 312 North Spring Street, Los  
8 Angeles, California 90012 by 5:00 p.m. (PST) on the day of the filing. Further, counsel are  
9 ordered to e-mail courtesy copies of all trial documents to the Courtroom Deputy Clerk,  
10 Victor Cruz.

11 **8. Discovery and Discovery Cut-Off:**

12 a. Counsel for the government and counsel for defendant shall comply promptly with  
13 discovery and notice pursuant to Fed. R. Crim. P. 12, 12.1, 12.2, 12.3, 15, and 16.

14 b. Discovery by Defendant: Within seven (7) days of the trial setting of any criminal  
15 action, proceeding, matter or case, the United States Attorney, or an Assistant  
16 United States Attorney, and the defendant's attorney shall meet and confer, and  
17 upon request of the attorney for the defendant, the government shall provide  
18 defendant's attorney with:

19 i. **Statement of Defendant:** The government shall disclose to defendant's  
20 attorney its intent to use any statements or confessions made by the  
21 defendant. If defendant questions the admissibility of such statement or  
22 confession, the hearing required by *Jackson v. Denno*, 378 U.S. 368 (1964),  
23 shall be held on the day of trial prior to the opening statements of counsel.  
24 The government shall permit defendant's attorney to inspect and copy or  
25 photograph any relevant written or recorded statements or confessions made  
26 by the defendant, or copies thereof, within the possession, custody or control  
27 of the government, the existence of which is known, or may become known,  
28 to the attorney for the government. The government shall advise defendant's

1 attorney of the substance of an oral statement available to the government  
2 in response to any interrogation by an employee or agent of any  
3 governmental agency, local, state, or federal, or private source involved in  
4 the investigation or reporting of the offense(s) charged in the  
5 information/indictment.

6 ii. **Reports or Examinations and Tests:** The government shall permit  
7 defendant's attorney to inspect and copy or photograph any relevant results  
8 or reports of physical or mental examinations, and of specific tests or  
9 experiments made in connection with the case, or copies thereof, within the  
10 possession, custody or control of the government, the existence of which is  
11 known, or may become known, to the attorney for the government and which  
12 are material to the defendant's case.

13 iii. **Testimony Before the Grand Jury:** The government shall permit  
14 defendant's attorney to inspect and copy or photograph any relevant  
15 recorded testimony of the defendant before a grand jury.

16 iv. **Documents and Tangible Objects:** The government shall permit  
17 defendant's attorney to inspect and copy or photograph books, papers,  
18 documents, tangible objects, buildings or places which are the property of the  
19 defendant and which are within the possession, custody or control of the  
20 government.

21 v. **Prior Record:** The government shall make known to defendant's attorney  
22 the defendant's prior criminal record in the possession of the attorney for the  
23 government.

24 vi. **Evidence Favorable to the Defendant:** The government shall permit  
25 defendant's attorney to inspect, copy or photograph any evidence favorable  
26 to the defendant.



1 copy) of any scientific or medical report which defendant intends to use in the  
2 presentation of his case in chief.

3 iii. **Defense of Alibi:** The United States Attorney shall at the conference notify  
4 defendant in writing of the specific time, date and place at which the  
5 offense/offenses charged in the information/indictment is/are alleged to have  
6 been committed.

7 (1) Defendant shall in writing, within three (3) days thereafter, notify the  
8 United States Attorney of the specific place at which he claims to have  
9 been at the time of the alleged offense/offenses to which a defense of  
10 alibi will be addressed and the names and addresses of the witnesses  
11 upon whom he intends to establish such alibi.

12 (2) Within five (5) days thereafter or such other time as the Court may  
13 direct, the United States Attorney shall inform the defendant of the  
14 names and addresses of the witnesses upon whom the government  
15 intends to establish defendant's presence at the scene of the alleged  
16 offense/offenses.

17 (3) Failure to comply with the time limits set forth herein shall invoke the  
18 sanction provided in Fed. R. Crim. P. 12.1(d).

19 iv. **Defense Based on Mental Condition:** The defendant's attorney shall at the  
20 conference disclose to the United States Attorney in writing that the  
21 defendant will rely upon the defense of insanity at the time of the alleged  
22 crime, or of mental disease, defect or other condition bearing upon whether  
23 he had the mental state required for the offense/offenses charged.

24 (1) Notice of such claimed defense shall also be filed with the Clerk.

25 (2) Failure to give such notification in writing shall involve the sanctions  
26 set forth in Fed. R. Crim. P. 12.2(d).

27 v. **Entrapment:** The defendant's attorney shall at the conference disclose to  
28 the United States Attorney that defendant will rely on the defense of the

1 procurement of government employees or agents to commit the  
2 offense/offenses charged in the information/indictment.

3 e. **Report of Conference:** Within five (5) days of the completion of the conference  
4 required herein, the parties shall file a Joint Statement:

- 5 i. That the prescribed conference was held;
- 6 ii. The date of the said conference;
- 7 iii. The name of the Assistant United States Attorney with whom the conference  
8 was held;
- 9 iv. The contested matters of discovery and inspection and any additional  
10 discovery or inspection desired by the defendant;
- 11 v. The fact of disclosure of all material favorable to the defendant or the  
12 absence thereof within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963)  
13 and related cases;
- 14 vi. The resolution of foundational objections to documentary evidence proposed  
15 to be used by both parties (except for the purposes of impeachment);
- 16 vii. The resolution of chain of custody (where in issue); and
- 17 viii. The resolution of the admissibility of scientific analysis without need of calling  
18 the expert at the trial.

19 f. **Continuing Duty of Counsel:** Any duty of disclosure and discovery set forth herein  
20 is a continuing one.

21 g. **Objections to Evidence:** Unless specific objection to the evidentiary foundation of  
22 any document, photograph, book, paper, or other tangible object disclosed by the  
23 required conference of counsel is made in the report to the Court hereafter required  
24 to be filed, it shall be deemed that the requirement of foundation (including chain of  
25 custody) for the introduction of such evidence at trial is waived.

- 26 i. If a report produced at the required conference of counsel contains the result  
27 of a scientific test, performed by a competent expert witness (as shown by  
28 a resume) is not objected to in the report to the Court hereafter required to

1 be filed, an objection to the admissibility of said report in lieu of the testimony  
2 of the expert performing such scientific test shall be deemed to have been  
3 waived.

4 h. This order is not intended to preclude discovery by the government pursuant to Fed.  
5 R. Crim. P 16(c).

6 i. It shall be the joint duty of counsel for the defendant and the United States Attorney  
7 to schedule and hold the conference contemplated herein.

8 i. The United States Attorney shall assure time and availability for such  
9 conference within the time herein provided unless the discovery conference  
10 is waived in writing by defendant and his counsel and such waiver is filed with  
11 the Court.

12 ii. Counsel for defendant shall (1) have reviewed all the disclosures made and  
13 received, and (2) had sufficient discussion with his/her client and the United  
14 States attorney by the time of the first status conference with the Court to  
15 enable counsel to meaningfully discuss with the Court at said status  
16 conference the disposition and likelihood of trial of this case.

17 iii. The government shall be represented at all status conferences with the Court  
18 by the Assistant United States Attorney who is assigned to the trial of the  
19 case, and who is most knowledgeable about the aforesaid matters, as well  
20 as any other matters scheduled for discussion with the Court at the status  
21 conferences.

22 j. The Clerk is ordered to serve a copy of this Order personally or by mail on all  
23 counsel for parties to this action.

24 **9. Trial**

25 a. **Last Conference Prior to Trial:** Before trial commences, the Court will give  
26 counsel an opportunity to discuss administrative matters and anticipated procedural  
27 or legal problems. At that time, we will discuss *voir dire* procedures, *Batson*  
28 objections, and any unusual factors. Counsel for the government shall bring to the

1 meeting the Attached Trial Witness Estimate Form which all counsel should have  
2 filled in. In the event defendant's counsel has not provided estimates for cross-  
3 examination, she or he will have to do so at the Last Conference.

4 b. Counsel shall arrive at the courtroom thirty (30) minutes before the scheduled trial  
5 time on the first day of trial.

6 c. Defense counsel **MUST** present appropriate number of copies of exhibits for all  
7 parties to the action.

8 d. Counsel for the government shall present the Courtroom Deputy Clerk with the  
9 following documents on the first day of trial:

10 i. **Three (3) copies** of the government's witness list.

11 ii. **Three (3) copies** of the government's exhibit list in the form specified in  
12 L.R. 9.9 (Civil).

13 iii. **All of the government's exhibits**, with official exhibit tags attached and  
14 bearing the same number shown on the exhibit list.

15 (1) Defendant's counsel does not have to deliver his or her exhibits to the  
16 Courtroom Deputy Clerk on the first day of trial; however, defendant's  
17 counsel is responsible for affixing completed exhibit tags with the case  
18 name and case number to his or her exhibits which are intended to be  
19 used in the defendant's case.

20 (2) Exhibit tags can be obtained from the receptionist in the main Clerk's  
21 Office, located at 312 North Spring Street, Room G-8.

22 (3) Exhibits shall be numbered 1, 2, 3, 4, etc., NOT 1.1, 1.50, etc.  
23 Counsel for both (all) sides should agree on the range of numbers to  
24 be assigned (e.g., Government exhibits to be 1-99, Defendant One to  
25 be 100-199; Defendant Two 200-299, etc.) If a blow up is an  
26 enlargement of an existing exhibit, it shall be designated with the  
27 number of the original exhibit followed by an "A".  
28

1 (4) Counsel for the government should be aware that the Court will order  
2 that exhibits such as firearms, narcotics, etc., remain in the custody  
3 of the agent(s) during the pendency of the trial. The agent(s) will be  
4 required to sign the appropriate form in order to take custody of such  
5 exhibits. It shall be the responsibility of the agent(s) to produce said  
6 items for the Court, secure them at night and guard them at all times  
7 while in the courtroom.

8 iv. A **Bench Book** containing a copy of all exhibits that can be reproduced.

9 (1) Each exhibit shall be tabbed with the exhibit number for easy referral.  
10 Defendant's counsel shall provide the Court with a copy of their  
11 exhibits as they are introduced during trial.

12 v. **Exhibit List:** The exhibit list shall be e-mailed to the Courtroom Deputy  
13 Clerk in WordPerfect format. A copy of the exhibit list with all admitted  
14 exhibits will be given to the jury during deliberations. Government and  
15 defense counsel shall review and approve the exhibit list with the Courtroom  
16 Deputy Clerk prior to it being given to the jury.

17 vi. **Witness List:** Counsel for the government shall submit a witness list listing  
18 each witness. Counsel shall identify witnesses who will actually testify at  
19 trial.

20 (1) **Trial Witness Estimate:** The witness list and summary must give  
21 accurate time estimates for each witness to conduct direct, cross, re-  
22 direct and re-cross. Counsel shall include a summary of the testimony  
23 of each witness. If more than one witness is offered on the same  
24 subject matter, the witness summary should be sufficiently detailed to  
25 allow the Court to determine if the testimony is cumulative.

26 (2) The list shall be substantially in the form indicated by the following  
27 example:

28 CASE: \_\_\_\_\_ TRIAL DATE: \_\_\_\_\_

Witness Name	Party Calling Witness and Estimate	Cross Examiner's Estimate	Description of Testimony	Comments

vii. **Witness Statement:** The United States Attorney shall file with the Court *in camera* a list of the statements of all witnesses to be called by the government in its case in chief.

- (1) Such statement shall be filed at least ten (10) days before trial.
- (2) Such statement shall include the name of the person taking the statement.
- (3) Failure to file such statement with the Court may, at the discretion of the Court, preclude the presentation testimony of any witness whose statement has been previously taken and available to the government.

e. If counsel need to arrange for the installation of their own additional equipment, such as a video monitor, overhead projector, etc., refer to the Court website at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov) under "Services" in order to reserve this equipment so that necessary arrangements can be made.

f. Before trial commences, the Court will give counsel an opportunity to discuss administrative matters and anticipated procedural or legal issues. During the trial, if there are any matters counsel wish to discuss, counsel shall inform the Courtroom Deputy Clerk.

g. The trial before the jury shall commence promptly at 8:30 a.m. or earlier at the direction of the Court. Counsel are urged to anticipate matters which may need discussion or hearing outside of the presence of the jury and to raise them during this period, during breaks, or at the end of the day.

10. **Joint Statement:** Counsel shall file their Joint Statement of the Case which the Court shall read to all prospective jurors prior to the commencement of *voir dire*. The statement shall

1 not exceed one page. The Joint Statement is to be submitted no later than THE  
2 WEDNESDAY OF THE WEEK PRIOR TO TRIAL.

3 **11. Jury Instructions and Verdict Forms**

4 a. **Jury Instructions:** Counsel must submit proposed SUBSTANTIVE and GENERAL  
5 instructions.

6 i. In those cases where a special verdict is desired, counsel shall submit a  
7 proposed verdict form with the jury instructions.

8 b. The parties must submit **joint jury instructions** and a **joint proposed verdict form**  
9 (if a special verdict is desired). In order to produce these joint instructions, the  
10 parties shall meet and confer sufficiently in advance of the required submission date  
11 with the goal of agreeing upon instructions and verdict forms. The jury instructions  
12 shall be submitted as follows:

13 i. JOINT JURY INSTRUCTIONS, those instructions which are agreed to by all  
14 parties; and

15 ii. DISPUTED JURY INSTRUCTIONS, those instructions propounded by a  
16 party to which another party objects.

17 iii. Objections to disputed INSTRUCTIONS shall be filed no later than the  
18 FRIDAY BEFORE the trial. Each requested jury instruction shall be  
19 numbered and set forth in full on a separate page, citing the authority or  
20 source of the requested instruction.

21 c. The Court prefers counsel to use the instructions from the MANUAL OF MODEL  
22 CRIMINAL JURY INSTRUCTIONS FOR THE NINTH CIRCUIT, West Publishing,  
23 latest edition. Another suggested source is FEDERAL JURY PRACTICE AND  
24 INSTRUCTIONS, Devitt, Blackmar, Wolff and O'Malley, West Publishing Co.,  
25 current edition.

26 d. The Court will send several copies of the jury instructions into the jury room for use  
27 by the jury during deliberations. Accordingly, in addition to the filed copies, an extra  
28 set of the proposed instructions (the "Jury Copy") shall be submitted to the Court

1 with only the text of an instruction on each page (i.e., no titles, supporting authority,  
2 indication of party proposing, etc.). This will be referred to as the "Jury Copy" of the  
3 instructions. (Duplicates will be made by the Court.)

4 e. **Special Verdict:** If counsel seek a special verdict, counsel shall follow the  
5 procedure set forth in paragraphs b and c in order to formulate a Joint Proposed  
6 Verdict Form. Counsel shall submit the proposed verdict form with the proposed  
7 jury instructions.

8 f. An **Index Page** shall accompany all jury instructions that are submitted to the Court.  
9 The index shall indicate the following:

- 10 i. The number of the instruction;
- 11 ii. A brief title of the instruction;
- 12 iii. The source of the instruction; and
- 13 iv. The page number of the instruction.

14 For example:

<i>Number</i>	<i>Title</i>	<i>Source</i>	<i>Page Number</i>
<i>1</i>	<i>Duty of the Jury</i>	<i>9th Cir. 1.01</i>	<i>5</i>

17 **12. Instructions Governing Procedure During Trial**

- 18 a. Criminal trials are held Monday through Friday from 8:30 a.m. to 11:30 a.m. and  
19 from 1:00 p.m. to 4:00 p.m.
- 20 b. Opening statements, examination of witnesses, and closing arguments should be  
21 made from the lectern only.
- 22 c. Counsel shall not refer to their clients or any witness by their first names during trial.
- 23 d. Counsel shall not discuss the law or argue the case in opening statements.
- 24 e. When objecting, counsel shall state only that counsel is objecting and the legal  
25 ground of the objection, e.g., hearsay, irrelevant, etc. Counsel shall *not* argue an  
26 objection before the jury.
- 27 f. Counsel shall *not* approach the Courtroom Deputy Clerk or the witness box without  
28 the Court's permission.

- 1 g. Counsel shall return to the lectern when his or her purpose has been accomplished.
- 2 h. Counsel shall not enter the well of the Court without the Court's permission.
- 3 i. Counsel shall rise when addressing the Court. In jury cases, please rise when the
- 4 jury enters or leaves the courtroom.
- 5 j. Counsel shall address all remarks to the Court.
- 6 k. Counsel shall not directly address the Courtroom Deputy Clerk, the reporter, or
- 7 opposing counsel.
- 8 l. If counsel wish to speak with opposing counsel, counsel shall ask permission to talk
- 9 to counsel OFF THE RECORD.
- 10 m. All requests for the re-reading of questions or answers or to have an exhibit placed
- 11 in front of a witness shall be addressed to the Court.
- 12 n. Counsel shall not make an offer of stipulation unless counsel has conferred with
- 13 opposing counsel and reached an agreement.
- 14 o. Any stipulation of fact will require the defendant's personal concurrence and shall
- 15 be submitted to the Court in writing for approval.
- 16 p. A proposed stipulation shall be explained to him or her in advance.
- 17 q. While the Court is in session, counsel shall not leave the counsel table to confer with
- 18 investigators, secretaries, or witnesses unless permission is granted in advance.
- 19 r. When a party has more than one lawyer, only one may conduct the examination of
- 20 a given witness and only that same lawyer may handle objections during the
- 21 testimony of that witness.
- 22 s. If a witness was on the stand at a recess or adjournment, counsel shall have the
- 23 witness back on the stand and ready to proceed when Court resumes.
- 24 t. Counsel shall not run out of witnesses. If counsel is out of witnesses and there is
- 25 more than a brief delay, the Court may deem that counsel has rested.
- 26 u. The Court attempts to cooperate with doctors and other professional witnesses and
- 27 will, except in extraordinary circumstances, accommodate them by permitting them
- 28 to be out of sequence. Counsel should anticipate any such possibility and discuss

1 it with opposing counsel. If there is an objection, counsel shall confer with the Court  
2 in advance.

3 v. Counsel are advised to be on time as the Court starts promptly.

4 w. Counsel should not by facial expression, nodding, or other conduct exhibit any  
5 opinions, adverse or favorable, concerning any testimony which is being given by  
6 a witness. Counsel should similarly admonish their own clients and witnesses to  
7 avoid such conduct.

8 x. **SPEAK UP** when making an objection, the acoustics in the courtroom make it  
9 difficult for all to hear an objection when it is being made.

10 y. **Questionnaires:** If any counsel wishes to submit a written questionnaire to each  
11 prospective juror, s/he shall move in writing for leave to do so, and shall include the  
12 proposed questionnaire with the motion. Because the Jury Department needs  
13 ample time to arrange for pre-selected jurors to be available to complete a  
14 questionnaire, such motion shall be filed not later than nine (9) weeks before the trial  
15 date, to be heard not later than five (5) weeks before the trial date.

16 z. **Voir Dire:** At least four (4) court days prior to trial, each counsel shall file with the  
17 Clerk and served on opposing counsel any special question requested to be put to  
18 prospective jurors on *voir dire*. The parties need not submit requests for standard  
19 *voir dire* questions, such as education, current occupation, marital status, prior jury  
20 service, etc., but should include only proposed questions specifically tailored to the  
21 parties and issues of the case.

22 **13. Motions and Motion Cut-Off Date:** Unless the Local Rules prescribe a different time for  
23 filing a particular motion, all pretrial motions, except motions governed by Local Criminal  
24 Rule 9, shall be filed and served not later than twenty-one (21) days before the trial and set  
25 for hearing not later than the Monday eight (8) days prior to trial at 9:00 a.m., or otherwise  
26 allowed by the Court. Counsel's estimate of the time required for presentation of the  
27 motion must be set forth adjacent to the caption.  
28

- 1 a. The party opposing the motion shall file a response not later than fourteen (14) days  
2 before trial or not later than seven (7) days after service of the motion, whichever is  
3 earlier, or as otherwise allowed by the Court. Responding counsel's estimate of the  
4 time required for presentation of opposition of the motion must be set forth in the  
5 caption of the responding papers.
- 6 b. All criminal law and motion matters shall be filed on the electronic filing system.
- 7 c. Memoranda of points and authorities in support of or in opposition to motions shall  
8 not exceed twenty-five (25) pages. Replies shall not exceed twelve (12) pages.  
9 Only in rare instances and for good cause shown will the Court grant an application  
10 to extend page limitations. No supplemental brief shall be filed without proof of  
11 leave of Court. Typeface shall comply with L.R. 11-3.1.1. (Civil). **NOTE:** If the  
12 Times Roman font is used, the size must be no less than 14; if Courier is used, the  
13 size must be no less than 12. Footnotes shall be in typeface no less than one size  
14 smaller than text size and shall be used sparingly. Filings which do not conform to  
15 the Local Rules and this Order will not be considered.

16 **14. Motions to Suppress:** Motions to Suppress must be filed thirty-five (35) days prior to the  
17 trial date and set for hearing two (2) weeks prior to the trial date at 8:30 a.m.

18 **15. Sentencing Proceedings:** Sentencing proceedings are conducted pursuant to Fed. R.  
19 Crim. P. 32(a) of the Federal Rules of Criminal Procedure and the Local Rules. If any party  
20 wishes to present material to the Court related to the sentencing, such party must file, or  
21 otherwise make available to, and serve opposing counsel/parties and the assigned United  
22 States Probation Officer, such information or evidence no later than **two (2) weeks** before  
23 the scheduled sentencing hearing. The foregoing notwithstanding, a statement of each  
24 party's position concerning sentencing shall be filed, or otherwise made available, and  
25 served no later than two (2) weeks before the sentencing hearing and the proof of service  
26 shall reflect service on the Probation Officer. The Probation Officer must be able to  
27 prepare and disclose any addendum that may be required in response to new information  
28 and/or evidence and/or a party's sentencing position. Failure to timely file or present and

1 serve such information or evidence or statement of position may result in such information  
2 not being considered by the Court in imposing a defendant's sentence.

3 If any item regarding pretrial or trial is not specifically addressed in this Order, the Local  
4 Rules and Federal Rules of Criminal Procedure shall be observed.

5 The Court thanks counsel and the parties for their anticipated cooperation.

6  
7 DATED:

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10 S. JAMES OTERO  
11 UNITED STATES DISTRICT JUDGE  
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