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

13 **UNITED STATES OF AMERICA,**) **CASE NO. SA CR - CJC**
14) **Plaintiff,**) **ORDER RE CRIMINAL PRE-TRIAL MOTIONS,**
15 **v.**) **TRIALS, AND SENTENCING**
16 **DEFENDANT,**)
17 **Defendant(s).**)
18 _____)

19 The above matter is set for trial before the Honorable Cormac J. Carney, United States
20 District Judge, Courtroom 9B, Ronald Reagan Federal Building and United States Courthouse,
21 411 West Fourth Street, Santa Ana, CA 92701. Counsel preparing for trial before this Court shall
22 comply with this Order. Failure to comply with this order may subject counsel to sanctions.

23
24 **MOTION PRACTICE**

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26 1. Unless the Local Criminal Rules prescribe a different time for filing a particular
27 motion, pre-trial motions must be filed and served not later than twenty-eight (28) days after
28 arraignment and set for hearing not later than the Monday eight (8) days prior to the trial date at
9:00 a.m.

1 2. A party opposing a motion must file and serve an opposition not later than seven
2 (7) days after service of the motion or as otherwise permitted by the Court.

3
4 3. A party replying to an opposition must file and serve a reply not later than seven
5 (7) days after service of the opposition or as otherwise permitted by the Court.

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7 4. Memoranda of Points and Authorities in support of or in opposition to motions shall
8 not exceed 25 pages. Replies shall not exceed 12 pages. Only in rare instances and for good
9 cause shown will the Court grant an application to extend these page limitations. No
10 supplemental briefs shall be filed without prior leave of court.

11
12 5. Before filing any motion for discovery, counsel shall confer with opposing counsel
13 to ascertain what discovery will be provided. Any discovery motion shall state with particularity
14 what is requested, and whether such discovery has been declined. Motions made without prior
15 consultation with opposing counsel or which fail to include the above information will not be heard.

16
17 **DISCOVERY AND NOTICE**

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19 6. Counsel for the government and counsel for the defendant shall comply promptly
20 with discovery and notice pursuant to Fed. R. Crim. P., Rules 12, 12.1, 12.2, 12.3, 15 and 16.
21 Upon government counsel's discovery of any evidence within the scope of Brady v. Maryland, 373
22 U.S. 83 (1963), such evidence shall be produced forthwith to counsel for the defendant. Counsel
23 for the government shall also disclose to counsel for the defendant the existence or non-existence
24 of: (1) evidence obtained by electronic surveillance; and (2) testimony by a government informant.

25
26 **TRIAL**

27
28 7. Trials are held Tuesdays through Friday, 8:30 a.m. to 5:00 p.m.

1 8. Counsel shall arrive at the Courtroom at 8:00 a.m. on the first day of trial and
2 present the Courtroom Deputy with the following documents:

- 3
- 4 a. Three copies of the government's witness list;
- 5 b. Three copies of the government's exhibit list;
- 6 c. All of the government's exhibits with official exhibit tags attached;
- 7 d. A bench book containing a copy of all reproducible exhibits, tabbed with
8 exhibit numbers along the right hand side;
- 9

10 9. At least one (1) week prior to the pretrial conference, counsel shall email Word
11 versions of the proposed pretrial documents (i.e. jury instructions, verdict, joint statement of the
12 case, witness lists, exhibit list, etc.) to the Court clerk. Any revised versions of these documents
13 shall be emailed to the Court clerk immediately.

14

15 10. Defense counsel need not deliver the exhibits to the Courtroom Deputy on the first
16 day of trial; however, defense counsel is responsible for affixing completed exhibit tags to the
17 exhibits which are intended for use in defendant's case. Defense counsel shall provide the Court
18 with a copy of their exhibits as they are introduced during trial.

19

20 11. Voir Dire: At least one (1) week prior to the pretrial conference, each counsel shall
21 file with the clerk and serve on opposing counsel any special questions requested to be put to
22 prospective jurors by the Court during voir dire.

23

24 12. Jury Instructions and Verdict Forms: In a jury trial, no later than one (1) week before
25 the pretrial conference, counsel shall submit **JOINT** jury instructions and a **JOINT** proposed
26 verdict form (if a special verdict is desired). In order to produce these joint documents, counsel
27 shall meet and confer sufficiently in advance of the required submission date with the goal of
28 agreeing upon instructions and a verdict form. The instructions should be submitted in the order

1 in which the parties wish to have the instructions read. This order should reflect a single
2 organized sequence agreed to by all of the parties.

3
4 The jury instructions shall be submitted as follows:

- 5
- 6 a. Agreed upon JOINT jury instructions;
 - 7 b. Instructions propounded by the government to which the defendant(s)
8 objects; and
 - 9 c. Instructions propounded by defendant(s) to which the government objects.
- 10

11 Instructions upon which agreement cannot be reached should reflect the basic disagreements
12 among the parties as to the law.

13
14 Attribution and case citation for each instruction should be placed on pages following
15 a proposed instruction. For disputed instructions, a party should note its objections to a proposed
16 instruction and its reasons for putting forth its alternative on pages placed after its own alternative
17 instruction.

18
19 INSTRUCTIONS SHALL BE BRIEF, CLEAR, CONCISE, WRITTEN IN PLAIN
20 ENGLISH, FREE OF ARGUMENT, AND SHALL BE ORGANIZED IN LOGICAL FASHION AS TO
21 AID JURY COMPREHENSION. Standard or form instructions, if used, must be revised to
22 address the particular facts and issues of the case.

23
24 **SUBMISSION OF PRETRIAL DOCUMENTS TO COURTROOM DEPUTY CLERK**

25 13. At least one (1) week prior to the pretrial conference, counsel shall email Word
26 versions of the proposed pretrial documents (i.e. jury instructions, verdict, joint statement of the
27 case, witness lists, exhibit list, etc.) to the Courtroom Deputy Clerk. Any revised versions of these
28 documents shall be emailed to the courtroom deputy immediately.

1 **SENTENCING PROCEEDINGS**

2

3 14. If a defendant is convicted, the sentencing proceedings will be conducted pursuant

4 to Fed. Crim. Pro. Rule 32 and the Local Rules. If any party wishes to present material to the

5 Court which has (a) not been previously filed with the Court or presented at trial, or (b) not been

6 previously provided to the opposing party and the assigned United States Probation Officer, such

7 party must file and serve the information or evidence no later than two (2) weeks before the

8 scheduled sentencing hearing. Notwithstanding the foregoing, a statement of each party's

9 position concerning sentencing shall be filed and served no later than two (2) weeks before the

10 sentencing hearing, and the proof of service shall reflect service on the assigned United States

11 Probation Officer. Timely filing is important to enable the Probation Officer sufficient time to

12 prepare and disclose any addendum to the Probation Report that may be required in response

13 to new information and/or evidence and/or a party's sentencing position. Failure to timely file and

14 serve such information, evidence, or statement of position may result in such information not

15 being considered by the Court in imposing defendant's sentence.

16

17 The Courtroom Deputy is directed to serve this Order on all counsel at the time of post-

18 indictment arraignment proceedings.

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20 **IT IS SO ORDERED.**

21

22 DATED:

23

24 _____
CORMAC J. CARNEY
UNITED STATES DISTRICT JUDGE

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