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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF) GENERAL ORDER NO. 13-06
PROCEDURES FOR APPOINTING) (Supersedes General Order No. 95-01)
COUNSEL TO HOSPITALIZED)
DEFENDANTS)

WHEREAS, circumstances exist from time to time wherein defendants who, by virtue of their medical condition, cannot be transported to the court for arraignment and other preliminary proceedings under Rule 5 of The Federal Rules of Criminal Procedure,

IT IS HEREBY ORDERED that the following procedures shall apply:

1. **Notification by U.S. Attorney's Office:** An Assistant United States Attorney shall notify the Clerk's Office in the event that a defendant has been arrested, either with or without a warrant, and the defendant cannot be brought to the court for arraignment and other preliminary proceedings due to a medical condition.
2. **Appointment of Counsel:** Upon such notification and if appropriate, a Magistrate Judge shall promptly appoint the Office of the Federal Public Defender to represent the defendant for purposes of insuring compliance with Rule 5 of the Rules of Criminal Procedure and this Order. In the

1 event the Public Defender's Office is not available or has a conflict of
2 interest, the Magistrate Judge shall appoint a CJA panel attorney. The
3 exigent circumstances and the medical condition of the defendant may
4 not permit a full inquiry into the financial eligibility of the defendant for
5 the appointment of a CJA panel attorney at the time of appointment.
6 Accordingly, a completed CJA Form 23 (Financial Affidavit) shall be
7 submitted for a judicial determination of the defendant's eligibility as
8 soon as is practicable. An erroneous determination of eligibility may be
9 corrected pursuant to 18 U.S.C. §3006A(f).

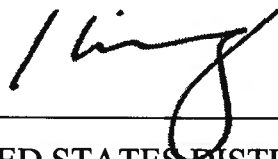
- 10 3. **Remand to U.S. Marshals Service:** The Magistrate Judge shall remand
11 the defendant into the custody of the U.S. Marshals Service if
12 appropriate.
- 13 4. **Hospital Arraignments:** The Court, on its own motion or upon the
14 request of the U.S. Attorney's Office or upon the request of defense
15 counsel, may conduct a hospital arraignment.
- 16 5. **Probable Cause Determinations:** When a hospitalized defendant is
17 arrested without a warrant, the U.S. Attorney's Office shall submit
18 without unnecessary delay to the magistrate judge assigned criminal
19 duty, a complaint and affidavit in support of a finding of probable cause.
20 If the magistrate judge does not find probable cause, the case shall be
21 dismissed.
- 22 6. **Probable Cause Challenge/Bail Hearings:** In the event that the
23 defendant seeks to challenge the probable cause determination or
24 requests a bail hearing, the attorney for the defendant shall notify the
25 Clerk. The attorney shall also notify the Clerk whether a Waiver of
26 Appearance will be filed. Upon the filing of a Waiver of Appearance,
27 the Court shall hold the hearing within 24 business hours in the absence
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1 of the defendant. If no Waiver of Appearance is filed, the Court may
2 conduct a telephonic first appearance at the request of defense counsel
3 and with the concurrence of government counsel. If no such agreement
4 between parties is made, the Court shall determine whether it is
5 necessary to hold the hearing in the hospital.

6 **7. Notification of Defendant's Ability to Travel:** It shall be the
7 responsibility of the U.S. Marshal and the attorney for the defendant to
8 monitor the defendant's medical condition and to notify the Criminal
9 Complaints Section of the U.S. Attorney's Office and the Clerk when the
10 defendant has received medical clearance to be released from the
11 hospital or be transported to the Court for preliminary proceedings. The
12 U.S. Attorney's Office shall contact the Clerk and the Pretrial Services
13 Agency and arrange for the matter to be placed on calendar. The U.S.
14 Marshals Service shall be responsible for transporting the defendant
15 from the hospital.

16 **8. List of Hospitalized Defendants:** The Clerk's Office shall maintain a
17 list of hospitalized defendants and shall review this list every thirty (30)
18 days to verify the present status of each defendant with the attorney for
19 the defendant, the attorney for the government, or both.

20
21 IT IS SO ORDERED.



22
23 CHIEF UNITED STATES DISTRICT JUDGE

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25 *Date of Approval by the Court:* July 30, 2013

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27 *Date of Filing by the Clerk:* August 1, 2013