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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 UNITED STATES OF AMERICA,
11 Plaintiff,
12
13 v.
14 [DEFENDANT'S NAME],
15 Defendant.
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18
19

Case No.

**STANDING ORDER FOR
CRIMINAL CASES**

20 This criminal case has been assigned to the calendar of United States District Judge
21 Serena R. Murillo. This Standing Order for Criminal Cases, Federal Rules of Criminal
22 Procedure, the Local Criminal Rules of the Central District of California ("Local Criminal
23 Rules"), and the applicable Local Civil Rules of the Central District of California ("Local
24 Civil Rules") will govern this case. The Court periodically updates this Order. Counsel
25 should obtain the latest version of this Order under Orders & Additional Documents at the
26 bottom of Judge Murillo's webpage on the Court's website.
27 (<https://www.cacd.uscourts.gov/honorable-serena-r-murillo>). The version date appears in
28 the electronic file name.

1 To ensure the just determination of this action, and “to secure simplicity in procedure
2 and fairness in administration, and to eliminate unjustifiable expense and delay,” as called
3 for in Fed. R. Crim. P. 2, all parties or their counsel, including *pro se*¹ defendants, are
4 ordered to be familiar with this Order, the Federal Rules of Criminal Procedure, the Local
5 Criminal Rules, the Local Civil Rules, this Court’s online Procedures and Schedules, and
6 the law governing the issues in this case.² Unless the court orders otherwise, the following
7 rules shall apply.

8 **A. GENERAL REQUIREMENTS**

9 **1. Filing.**

10 **(a) Caption.**

11 The captioned title of every filing shall contain: (a) the name of the first-listed
12 defendant as well as the name(s) and number(s) (in the order listed in the Indictment) of
13 the particular defendant(s) to whom the filing applies, unless the document applies to all
14 defendants; (b) the individual defendant’s registration number when applicable to the relief
15 requested (e.g., requests for transfer, medical requests); and (c) the milestone dates for
16 Indictment, Final Pretrial Conference (“FPTC”), Trial, and Last Day of the speedy trial
17 period.

18 **(b) Docketing.**

19 All parties shall docket items only as to the particular defendant(s) to whom the item
20 pertains, rather than all defendants, unless the item pertains to all. Except for documents
21 filed under seal or *in camera*, every document shall be filed electronically so that it is clear
22 from the docketing entry to which defendant(s) it applies. The cover page of any document
23 filed under seal or *in camera* should identify the case title by the first-listed defendant and
24 case number only and should state that the document is being filed under seal or *in camera*.

25 ¹ Parties appearing *pro se* must comply with the Federal Rules of Civil Procedure and the
26 Local Rules. *See* Local Civil Rules 1-3 and 83-2.2.3.

27 ² “When applicable directly or by analogy, the Local [Civil] Rules of the Central District
28 of California shall govern the conduct of criminal proceedings before the District Court,
unless otherwise specified.” Local Criminal Rule 57-1.

1 **(c) Format of Filings.**

2 Pursuant to Local Civil Rule 11-3.1.1, either a proportionally spaced or monospaced
3 typeface may be used. Typeface shall comply with Local Civil Rule 11-3.1.1. Times New
4 Roman font must be no less than fourteen (14) point. Footnotes shall be in the same font
5 and the same size as the text in the body of the document.

6 **(d) Attachments.**

7 Each declaration, exhibit, or other attachment accompanying a document must be
8 filed as a separately docketed attachment to the main docket entry with a clear description
9 (e.g., Dkt. 29-1, Smith Decl.; Dkt. 29-2, Ex. 1: License Agreement).

10 **(e) Proposed Orders.**

11 Proposed orders must state the relief sought, the defendant(s) affected, and, when
12 relevant, the supporting rationale and authority, and must be submitted in a form that
13 would originate from the Court. Do not include: (a) any attorney information on the
14 caption page; (b) any information in the footer (except pagination); or (c) any watermark
15 or firm designation anywhere. A template for proposed orders is available on Judge
16 Murillo's webpage.

17 **(f) Electronic Filing.**

18 Counsel must follow the Local Rules and General Orders concerning electronic
19 filing, unless superseded by this Order. Counsel shall adhere to Local Civil Rule 5-4.3
20 with respect to the conversion of all documents to portable document format (PDF) so that
21 when a document is e-filed, it is in the proper size and is PDF searchable. Further, all
22 documents shall be filed in a format so that text can be selected, copied, and pasted directly
23 from the document. *See* Local Civil Rule 5-4.3.1.

24 **(g) Mandatory Chambers Copies.**

25 The parties must not provide chambers copies unless specifically ordered by the
26 court. If required, chambers copies are to be submitted pursuant to Local Rule 5-4.5 and
27 to Judge Murillo's mailbox on the 4th Floor of the First Street Courthouse. The Court does
28 require copies of materials that have not been filed on the electronic docket for the case

(e.g., CD-ROMs, DVDs, USB drives, documents electronically filed in other cases or other districts). Please do not send paper copies of any other documents unless requested by the Court. Mandatory Chambers Copies need NOT be blue backed.

2. Courtroom Decorum.

The court expects everyone in the courtroom to be treated with dignity and respect. Counsel may indicate their pronouns and honorifics and/or those of the defendant, or of any witness, by filing a letter, adding the information in the name block or signature line of the pleadings, or verbally informing the court when making an appearance. The Court expects the following from all court users:³

- (a) They shall be punctual and prepared for all court appearances.
- (b) In court and through court filings, they shall address and/or refer to witnesses, counsel, parties, and court personnel by their surnames, pronouns, and honorifics, unless leave to do otherwise is granted.
- (c) They shall refrain from making gestures, facial expressions, or audible comments as manifestations of approval or disapproval of testimony or argument. Parties should also refrain from interrupting any other person in the courtroom when someone else is speaking.
- (d) They shall act professionally and speak civilly to court marshals, court clerks, court reporters, secretaries, and law clerks.

3. Calendar Conflicts.

If any counsel discovers a calendar conflict with a scheduled appearance in a court of a more senior district judge, counsel must inform opposing counsel and the Courtroom Deputy Clerk (“CRD”) via the chambers’ email address at:

³ For more detailed guidance, counsel are advised to refer to the Central District of California’s Civility and Professionalism Guidelines, which can be found at <http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines>.

1 SRM_Chambers@cacd.uscourts.gov as soon as possible and not later than three (3)
2 business days before the scheduled appearance. Counsel should try to agree on a new date
3 to accommodate the calendar conflict. Counsel must propose a new date by Stipulation and
4 Proposed Order.

5 The Court requires an attorney of record to appear at all hearings and will not permit
6 others to stand in on his or her behalf. If an attorney of record cannot appear at a scheduled
7 hearing due to unforeseen circumstances, the parties should follow the procedure outlined
8 above as soon as the conflict arises.

9 **B. PRETRIAL PROCEDURES**

10 **1. Pretrial Detention Review.**

11 Any request for review of pretrial release conditions based on changed
12 circumstances or information not previously presented to the Magistrate Judge shall be
13 addressed in the first instance to the Magistrate Judge and shall be served on both opposing
14 counsel and Pretrial Services.

15 **2. Notice and Discovery.**

16 **(a) Disclosure Requirements.**

17 Counsel shall comply with all notice and discovery obligations set forth in Fed. R.
18 Crim. P. 12, 12.1–4, 15, and 16. The government shall promptly produce to counsel for the
19 defendant(s) any evidence falling within the scope of *Brady v. Maryland*, 373 U.S. 83
20 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), *Roviaro v. United States*, 353 U.S.
21 53 (1957), and *United States v. Henthorn*, 931 F.2d 29 (9th Cir. 1991). The parties are
22 encouraged to produce witness statements pursuant to 18 U.S.C. § 3500 and Fed. R. Crim.
23 P. 26.2 sufficiently in advance of trial or other proceedings to avoid delays. Defense
24 counsel is reminded of its reciprocal discovery obligations pursuant to Fed. R. Crim. P. 26
25 and should promptly produce such materials to avoid trial delays. Counsel for the
26 government shall also disclose to counsel for defendant(s) the existence or non-existence
27 of: (1) evidence obtained by electronic surveillance; and (2) testimony by a government
28 informant. A violation of this order or the government’s obligations under *Brady*, *Giglio*,

1 *Roviaro*, or *Henthorn* may lead to a finding of contempt, imposition of sanctions, referral
2 to a disciplinary authority, adverse jury instructions, exclusion of evidence, and dismissal
3 of charges.

4 **(b) Meet and Confer Requirement.**

5 Counsel shall meet and confer to resolve discovery disputes informally prior to filing
6 a motion to compel discovery. All discovery motions shall state whether the meet and
7 confer requirement has been satisfied and state with particularity what is requested, the
8 basis for the request, whether the discovery at issue has been requested, and opposing
9 counsel's response to such request. Both parties are required to meet and confer in good
10 faith to reach a resolution without the need for a motion. The Court may decline to hear
11 discovery motions made without prior consultation with opposing counsel. The parties are
12 further advised that email correspondence alone is insufficient to satisfy this requirement.

13 **3. Continuances.**

14 Requests for continuances of pretrial and trial dates must be made by motion,
15 stipulation, or application. All requests must be signed by both the defendant(s), an
16 interpreter when required, and counsel. Each request must include a detailed factual
17 showing of good cause and due diligence demonstrating the necessity for the continuance,
18 stating whether any previous requests for continuances have been made and whether these
19 requests were granted or denied by the Court. The Court will not grant requests to continue
20 pretrial and trial dates absent a detailed showing. General statements are insufficient to
21 establish good cause. To the extent the request to continue dates is joint, it should state
22 clearly that the government and defendant(s) agree. To the extent the action is complex,
23 one or more parties require additional time to prepare for trial, or other circumstances apply
24 necessitating a continuance, the request should so state and describe the circumstances in
25 detail. A list of counsel's upcoming scheduled trials in other actions will not support a
26 showing of good cause absent the following information regarding each such action listed:
27 (1) the case name, case number, court where the action is pending, and the initials of the
28 district judge or name of the state court judge assigned to the action; (2) the age of the

1 action; (3) the nature of the offense(s) charged and complexity of the action; (4) the
2 scheduled trial date; (5) the estimated length of trial; (6) the number of continuances
3 previously granted; (7) the parties' trial readiness; (8) the estimated likelihood a future
4 continuance will be requested; and (9) the likelihood the trial will proceed on the scheduled
5 date. Counsel shall avoid submitting requests for continuance of trial less than one (1)
6 week prior to the FPTC. A request to continue dates that have already expired constitutes
7 a presumptive lack of due diligence. Requests extending dates set by the Court are not
8 effective unless approved by the Court. The parties must first email the CRD to discuss
9 available continuance dates prior to filing any motion, stipulation, or application requesting
10 a continuance.

11 **4. Pre-trial Motions (except motions *in limine*)**

12 **(a) Meet and Confer Requirement.**

13 Counsel must meet and confer with opposing counsel "to discuss thoroughly... the
14 substance of the contemplated pre-trial motion and any potential resolution" thereof. *See*
15 Local Criminal Rule 57-1; Local Civil Rule 7-3. Counsel shall discuss the issues to a
16 sufficient degree that if a motion is still necessary, the briefing may be directed to those
17 substantive issues requiring resolution by the Court. Both parties are required to meet and
18 confer in good faith to reach a resolution without the need for a motion. ***The parties are***
19 ***further advised that email correspondence alone is insufficient to satisfy this***
20 ***requirement.***

21 **(b) Length of Brief.**

22 Memoranda of points and authorities in support of or in opposition to motions
23 (besides motions *in limine*) shall not exceed 7,000 words. Replies shall not exceed 3,000
24 words. These page counts include headings, footnotes, and quotations but exclude the
25 caption, the table of contents, the table of authorities, the signature block, the certification
26 required by L.R. 11-6.2, and any indices and exhibits. Only in rare instances and for good
27 cause shown will the court grant an application to extend these word count limitations. No
28 supplemental brief shall be filed without prior leave of court.

1 **(c) Filing of Motions.**

2 Motions shall be filed in accordance with Fed. R. Crim. P. 47 and Local Criminal
3 Rule 49, *et seq.*, unless superseded by this Order. The Court hears motions in criminal
4 actions on Thursdays, beginning at 9:00 a.m. Pretrial motions, including motions to
5 suppress evidence, motions to bifurcate or sever, and motions concerning character
6 evidence under Fed. R. Evid. 404(b), shall be noticed for a Thursday that counsel mutually
7 agree to and that is not closed on the Court's calendar. Before filing a motion, the moving
8 party should first email the CRD to discuss available dates.

9 **(d) Briefing Schedule.**

10 For all motions, other than motions *in limine*, the briefing schedule is as follows:
11 motions shall be filed three (3) weeks prior to the hearing; oppositions or notices of non-
12 opposition shall be filed two (2) weeks prior to the hearing; and replies, if any, shall be
13 filed one (1) week prior to the hearing. All motions must be properly noticed for hearing
14 no later than the date of the FPTC. The parties must adhere to the briefing schedule set
15 forth herein to afford the Court adequate time to prepare for the hearing; however, the
16 parties may stipulate to an alternate briefing schedule contingent upon approval by the
17 Court. Failure to comply with these deadlines may result in the court declining to consider
18 the untimely memorandum or other document. *See* Local Criminal Rule 57-1; Local Civil
19 Rule 7-12.

20 **5. Ex Parte Applications.**

21 **(a) General Requirements.**

22 *Ex parte* applications are disfavored. Counsel are reminded that *ex parte* applications are
23 solely for extraordinary relief. Applications that do not meet the requirements set forth in
24 Local Civil Rule 7-19 will not be considered. Sanctions may be imposed for misuse of *ex*
25 *parte* applications. *See Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488
26 (C.D. Cal. 1995). *Ex parte* applications that fail to conform to Local Civil Rules 7-19 and
27 7-19.1, including a statement of opposing counsel's position, will not be considered except
28 upon a specific showing of good cause. The moving party must support the application

1 with facts showing that its “cause will be irreparably prejudiced if the underlying motion
2 is heard according to regular noticed motion procedures” and “that the moving party is
3 without fault in creating the crisis that requires *ex parte* relief, or that the crisis occurred as
4 a result of excusable neglect.” *Id.* at 492. Merely reciting these requirements is not
5 sufficient. If possible, the moving party shall serve the opposing party electronically. A
6 party is considered served once the *ex parte* application has been e-filed. All parties
7 registered for electronic service are notified of an ECF filing each time a document is e-
8 filed with a link to the document for one free view. Defendants exempt from electronic
9 service must be served the *ex parte* application by facsimile or personal service. *See* Local
10 Criminal Rules 49-1.2, 49-1.3.2(b); Local Civil Rule 5-3. The Court considers *ex parte*
11 applications on the papers and will set the matter for hearing if necessary. Counsel should
12 not set *ex parte* applications for hearing. Following service of the *ex parte* application by
13 electronic, facsimile, or personal service, the moving party shall notify the opposing party
14 that any opposition must be filed no later than twenty-four (24) hours following service.
15 Counsel will be notified by ECF of the Court’s ruling. If a party does not intend to oppose
16 an *ex parte* application, counsel must promptly inform the CRD.

17 **(b) Supervision-Related Relief.**

18 When requesting supervision-related relief (e.g., a travel or transfer request), the
19 applicant must obtain the position of the U.S. Probation & Pretrial Services and any
20 proposed conditions and set forth this information in the application. *Ex parte* applications
21 to allow defendants to travel should be made well in advance of the proposed date of travel.
22 Applications by defendants with appointed counsel must indicate who will pay for the
23 travel and related expenses. If these expenses are not to be paid by the defendant’s
24 employer, the court may require declarations under penalty of perjury from the person
25 paying the expenses.

26 **6. Motions *in Limine*.**

27 **(a) Meet and Confer Requirement.**

1 Before filing a motion *in limine*, the parties must meet and confer. The moving party
2 must identify the evidence to be excluded or admitted, the specific terms of the order
3 sought, and the rationale and supporting authority. Both parties are required to meet and
4 confer in good faith to reach a resolution without the need for a motion. ***The parties are***
5 ***further advised that email correspondence alone is insufficient to satisfy this***
6 ***requirement.***

7 **(b) Hearing at the Pretrial Conference.**

8 Motions *in limine* will generally be heard and ruled upon at the FPTC. The Court
9 may rule orally instead of in writing.

10 **(c) Limitation on Number of Motions *in limine*.**

11 Each side is limited to five (5) motions *in limine* unless the Court grants leave to file
12 additional motions.

13 **(d) Briefing.**

14 All motions *in limine* must be filed at least twenty-eight (28) days before the FPTC.
15 Oppositions must be filed at least fourteen (14) days before the FPTC. There shall be no
16 replies, unless ordered by the Court. Motions *in limine* and oppositions must not exceed
17 ten (10) pages in length. Motions *in limine* should address specific disputed issues (e.g.,
18 not “to exclude all hearsay”). The Court may strike excessive, unvetted, or untimely
19 motions *in limine* without notice.

20
21 **C. FINAL PRETRIAL CONFERENCE (FPTC)**

22 No later than one (1) week before the FPTC, the government shall file and email the
23 documents described below in Microsoft Word format to
24 SRM_Chambers@cacd.uscourts.gov:

- 25 • A trial memorandum;
- 26 • Proposed voir dire questions, if any;
- 27 • A witness list;
- 28 • An exhibit list;
- A joint case-specific glossary for the CRD;

- Joint jury instructions in the form described below; and
- A joint proposed verdict form

The government must provide a Mandatory Chambers Copy of each document delivered to Judge Murillo's mailbox outside the Clerk's Office on the 4th Floor of the First Street Courthouse no later than 5:00 p.m. on the first court day after the filing date. The Mandatory Chambers Copies must be "binder ready" (three-hole punched on the left side, without blue-backs or staples).

1. Trial Memorandum.

The government's trial memorandum shall set forth: (1) a factual summary of the government's case-in-chief; (2) a statement of the charges and the elements of each charge; (3) a time estimate of the length of the government's case-in-chief, including anticipated cross-examination; and (4) a discussion of relevant legal and evidentiary issues as applied to the facts of the particular case. After a meet and confer, the government shall specify whether the parties agree or disagree on matters (1) through (4).

2. Witness Lists.

Witness lists must identify all potential witnesses using full names—including middle names and the year of birth for common names—and must be in the format specified in Local Civil Rule 16-5. If the defense objects to identifying a potential witness (not already on the government's list), the objection must be raised at the FPTC. For each witness, the list must include: (1) a brief description of the testimony; (2) the reasons the testimony is unique and not redundant; and (3) a time estimate in hours for direct and cross-examination. The parties should use the template posted on Judge Murillo's webpage. Any Amended Witness List must be filed by 12:00 p.m. (noon) on the Friday before trial and emailed to SRM_Chambers@cacd.uscourts.gov in Microsoft Word format.

3. Exhibit Lists.

Exhibit Lists must be in the format specified in Local Civil Rule 16-6 and shall include an additional column stating any objections to authenticity and/or admissibility and the reasons for the objections. The parties should use the template posted on Judge Murillo's

1 webpage. Exhibits shall be numbered sequentially 1, 2, 3, etc., not 1.1, 1.2, 1.3, etc. *See*
2 Local Civil Rule 16-6. The list should include defense exhibits to the extent the defense
3 does not object to disclosure. Any Amended Exhibit List must be filed by 12:00 p.m. (noon)
4 on the Friday before trial and emailed to SRM_Chambers@cacd.uscourts.gov in Microsoft
5 Word format.

6 **4. Case-specific Glossary.**

7 The parties must provide a joint case-specific glossary for the court reporter that
8 includes applicable medical, scientific, or technical terms, gang terms, slang, the names and
9 spellings of case names likely to be cited, street/city/country names, all
10 parties/agents/departments/entities involved in the case, names of people
11 interviewed/deposed, names of family members, friends, or others who might be mentioned,
12 and other case-specific terminology.

13 **5. Jury Instructions**

14 **(a) Joint Instructions Required.**

15 The parties must meet and confer to generate and provide joint instructions. For any
16 disputed instruction, the opponent shall state on a separate page following the disputed
17 instruction: (1) the basis for the objection; (2) authority supporting the objection; and (3)
18 an alternative instruction (if applicable). On the following page, the proponent shall briefly
19 respond to the objection with supporting authority.

20 **(b) Source.**

21 The parties must use the current edition of the Ninth Circuit's Manual of Model
22 Criminal Jury Instructions for all available instructions and otherwise the current edition
23 of O'Malley, Grenig & Lee, Federal Jury Practice and Instructions. A party may submit
24 alternatives to instructions in these two sets only if counsel has a reasoned argument that
25 those instructions are incomplete or inaccurate. Each requested instruction shall be
26 numbered and set forth in full on a separate page, citing the authority or source of the
27 requested instruction. The Court seldom gives instructions derived solely from case law.

28 **(c) Disputed Instructions.**

For any disputed instruction, the opponent shall state on a separate page following the disputed instruction: (1) the basis for the objection; (2) authority supporting the objection; and (3) an alternative instruction (if applicable). On the following page, the proponent shall briefly respond to the objection with supporting authority. Where appropriate, the disputed instructions shall be organized by subject, so that instructions that address the same or similar issues are presented sequentially. If there are excessive or frivolous disagreements over jury instructions, the Court will order the parties to meet and confer immediately until they substantially narrow their disagreements.

(d) No Blanks or Bracketed Language.

Counsel should not leave blanks or inapplicable bracketed text in any instruction. It is counsel's duty to conform the instructions to the case (e.g., inserting names of defendant(s) or witness(es) to whom the instruction applies and selecting the appropriate bracketed text, but not changing the standard language of the instruction). Where language appears in brackets in the model instruction, counsel must select the appropriate text and eliminate the inapplicable bracketed text.

(e) Index.

All proposed jury instructions must have an index that includes the following for each instruction, as illustrated in the example below:

- the number of the instruction;
- the title of the instruction;
- the source of the instruction and any relevant case citations; and
- the page number of the instruction.

Example:

<u>Instruction</u> <u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page Number</u>
#1	Conspiracy-Elements	9th Cir. 8.5.1	1

Counsel also shall list the instructions in the order they will be given and indicate whether the instruction shall be read before opening statements, during trial, or before closing arguments.

1 **(f) “Clean” Electronic Copy.**

2 Counsel shall submit to the Chambers email SRM_Chambers@cacd.uscourts.gov a
3 “clean” set of all instructions in Word format that will be given to the jury, containing only
4 the text of each instruction, set forth in full on each page, with the caption “Instruction No.
5 ____” (eliminating the title and source of the instruction, supporting authority, etc.).

6 **6. Joint Verdict Form.**

7 The parties shall make every effort to agree on a verdict form before submitting
8 proposals to the Court. If the parties are unable to agree on a verdict form, the parties shall
9 file and email to Chambers one document titled “Competing Verdict Forms” which shall
10 include: (1) the parties’ respective proposed verdict form; (2) a redline of any disputed
11 language; and (3) the factual or legal basis for each party’s respective position.

12 **7. Voir Dire Questions.**

13 The Court will conduct the initial voir dire. The Court will ask prospective jurors
14 basic biographical questions (jurors’ place of residence, employment, whether familiar
15 with the parties or counsel, etc.), as well as questions regarding their ability to be fair,
16 impartial, and carry out the duties required. The Court may ask additional case-specific
17 questions. Each party will then have ten (10) minutes to ask prospective jurors additional
18 questions. All challenges for cause and all *Batson* challenges shall be made at side bar or
19 otherwise outside the prospective jurors’ presence. The Court will not necessarily accept a
20 stipulation to a challenge for cause.

21 **D. TRIAL**

22 **1. Trial Schedule.**

23 The schedule for the first day of trial is typically 8:30 a.m. to 5:00 p.m. with two
24 fifteen (15) minute breaks and a one (1) hour lunch break. The parties must appear at 8:30
25 a.m. to discuss preliminary matters with the Court. The Court will call a jury panel only
26 when satisfied that the case is ready for trial. Depending on the nature of the case, jury
27 selection may take only a few hours or a few days. The parties should be prepared to
28

1 proceed with opening statements and witness examination immediately after jury selection.
2 Thursday is usually reserved for the Court's calendar.

3 **2. Government Materials to be Presented on the First Day of Trial.**

4 **(a) Documents and Binders.**

5 The government must present the following materials to the CRD on the first day of
6 trial:

- 7 • Three (3) copies of the indictment/information;
- 8 • Three (3) copies of the government's witness list;
- 9 • Three (3) copies of the government's exhibit list; and
- 10 • The *three binders* described below, with one (1) original set of trial exhibits
for the jury and two (2) copies of trial exhibits for the Court.

11 **(b) Contraband.**

12 Exhibits such as firearms, narcotics, etc., must remain in the custody of a law
13 enforcement agent during the pendency of the trial. It shall be the responsibility of the
14 agent to produce any such items for the Court, secure them at night, and guard them at
15 all times while in the courtroom. The United States Marshals Service shall be advised
16 well in advance if a weapon or contraband is to be brought into the courthouse. A
17 placeholder page listing the nature of the exhibit (i.e., firearm, methamphetamine, etc.)
18 and exhibit number shall be placed in the exhibit binder.

19 **3. Defense Materials to be Presented at Trial.**

20 The Court prefers that defense counsel deliver defense exhibits to the CRD on the
21 first day of trial, but counsel is not required to do so unless these exhibits have previously
22 been provided to the government. Defense counsel is responsible for affixing completed
23 exhibit tags with the case name and case number to all exhibits to be used in defendant's
24 case. In trials where the defense expects to admit more than ten (10) exhibits, defense
25 counsel shall provide three exhibit binders, as described below. If possible, the exhibits
26 are to be tabbed with numbers to correspond to the exhibits counsel expects to introduce.
27 Defense counsel shall provide the Court with a copy of defense exhibits as they are
28 introduced during trial if they have not previously been provided. Defense counsel shall

1 provide the government, the CRD, and the Court Reporter with the defense witness list and
2 the defense exhibit list at the start of the defense case, at the latest.

3 **4. Trial Exhibits Binder Requirements.**

4 **(a) Three Binders.**

5 Trial exhibits containing documents and photographs must be submitted to the Court
6 in three-ring binders. The parties must submit to the court three binders: (1) one binder
7 containing the original set of trial exhibits; and (2) two binders containing copies of the
8 trial exhibits. The original set of exhibits will be used by the jury during its deliberations,
9 and the copies are for the Court. The parties must prepare additional copies of exhibits for
10 their own use and for use by witnesses. The parties must review the exhibit list and exhibit
11 binders with the CRD before the admitted exhibits will be given to the jury.

12 **(b) Exhibit Format.**

13 All exhibits placed in three-ring binders must be indexed by exhibit number with
14 tabs or dividers on the right side. Exhibits shall be numbered sequentially 1, 2, 3, etc., not
15 1.1, 1.2, etc. *See* Local Civil Rule 16-6. Every page of a multi-page exhibit must be
16 numbered. Defendant's exhibit numbers shall not duplicate Plaintiff's numbers. The spine
17 of each binder shall indicate the name of the case, case number, exhibit volume number,
18 and the range of exhibit numbers included in the volume.

19 **(c) Exhibit Tabs.**

20 The original exhibits shall bear the official exhibit tags (yellow tags for
21 government's exhibits and blue tags for defendant's exhibits) affixed to the front upper
22 right-hand corner of the exhibit, with the case number, case name, and exhibit number
23 stated on each tag. The parties may print their own exhibit tags using Forms G-14A and G-
24 14B on the "Court Forms" section of the Central District of California's website. The
25 copies of exhibits must bear copies of the official exhibit tags that were placed on the
26 original exhibits and be indexed with tabs or dividers on the right side.

27 **(d) Enlargements and Charts.**

1 An enlargement of an existing exhibit shall use the original exhibit number, followed
2 by an “A.” Counsel shall not attempt to display or use any charts or enlargements of
3 exhibits unless all counsel have agreed to their use or objections have been heard and a
4 ruling has been made by the Court.

5 **5. Audio, Video Files, and Digital Evidence.**

6 Such evidence must be contained on a flash drive, unless otherwise directed by the
7 Court. The party introducing the evidence is responsible for ensuring that the flash drive
8 contains only admitted evidence. The parties should meet and confer in an effort to reach
9 an agreement as to the admissibility of such evidence in its original form, as well as any
10 excerpts thereof. Exhibits consisting of audio recordings should be accompanied by
11 appropriate transcripts to assist the trial participants in following along. The party seeking
12 to admit an audio recording should provide transcripts to the opposing party well in
13 advance of trial and, during trial, to the Court, court reporter, each juror, and opposing
14 counsel *before* the audio recording is played. The transcripts shall use the original exhibit
15 number of the audio recording followed by an “A” for identification purposes. The
16 transcripts will not be admitted into evidence and should be collected after the audio
17 recording has been played.

18 **6. Audio/Visual Equipment and Other Electronic Equipment.**

19 The Court provides audio/visual equipment for use during trial. The parties are
20 encouraged to familiarize themselves with this equipment. More information is available
21 at: <http://www.cacd.uscourts.gov/clerk-services/courtroom-technology>. The Court does
22 not permit exhibits to be “published” to the jurors before they are admitted into evidence.
23 Once admitted, exhibits may be displayed electronically using the equipment and screens
24 in the courtroom. If electronic equipment must be brought into the courtroom for trial,
25 counsel shall make prior arrangements with the Court Security, and counsel must provide
26 notice no later than four (4) days before trial to the CRD at
27 SRM_Chambers@cacd.uscourts.gov. If equipment requires use of the Court’s loading
28 dock, Counsel must request a court order.

1 **7. Special Court Reporter Services.**

2 Any party requesting special court reporter services for any hearing, such as “Real
3 Time” transmission or daily transcripts, shall notify Court Reporting Services at least
4 fourteen (14) days before the hearing date.

5 **E. CONDUCT OF ATTORNEYS AND PARTIES**

6 **1. Meeting and Conferring Throughout Trial.**

7 The parties must continue to meet and confer on all issues that arise during trial. The
8 Court will not rule on any such issue unless the parties have attempted to resolve it first.

9 **2. Opening Statements, Witness Examinations, and Summation.**

10 Counsel must use the lectern. Counsel should not consume jury time by writing out
11 words and drawing charts or diagrams. All such aids must be prepared in advance. When
12 appropriate, the Court will establish and enforce time limits for all phases of trial, including
13 opening statements, closing arguments, and the examination of witnesses.

14 **3. Objections to Questions.**

15 Counsel must not make so-called “speaking objections” before the jury or otherwise
16 make speeches, restate testimony, or attempt to guide a witness. Instead, when objecting,
17 counsel must rise and state only the legal grounds for the objection (e.g., “Objection,
18 hearsay”). If the Court invites either clarification of the legal grounds for the objection or
19 a response, counsel must not abuse the invitation by providing a factual argument before
20 the jury. If counsel wishes to argue an objection, counsel must seek permission from the
21 Court to do so. Sidebar conferences are generally not permitted at the request of counsel
22 for evidentiary objections, especially for issues that could have been anticipated. Counsel
23 should anticipate significant issues and schedule a hearing when the jury is not waiting—
24 e.g., before the jurors arrive or after they leave for the day.

25 **4. Special Accommodations.**

26 Counsel must notify the CRD in advance if a witness requires an interpreter or an
27 accommodation under the Americans with Disabilities Act (or for any other reason).
28

1 **5. General Decorum While in Session.**

2 **(a)** Counsel shall not approach the witness or enter the well without the
3 Court's permission and shall return to the lectern when the permitted purpose has been
4 accomplished. Counsel shall not leave counsel table to confer with investigators,
5 witnesses, or others while court is in session without the Court's permission.

6 **(b)** Counsel must rise when addressing the Court, and when the Court or
7 the jury enters or leaves the courtroom, unless directed otherwise.

8 **(c)** Counsel must address all remarks to the Court. Counsel must not
9 address the CRD, the court reporter, persons in the audience, or opposing counsel. Any
10 request to re-read questions or answers shall be addressed to the Court. Counsel must
11 ask the Court's permission to speak with opposing counsel.

12 **(d)** Counsel must not address or refer to witnesses or parties by first
13 names alone, except for: (1) witnesses who are below age fourteen (14); and
14 (2) witnesses who share the same last name.

15 **(e)** Counsel must not offer a stipulation unless counsel has conferred with
16 opposing counsel and has verified that the stipulation will be acceptable. Any stipulation
17 of fact will require the defendant's personal concurrence, must be explained to the
18 defendant in advance, must be accompanied by the defendant's signature, and must be
19 submitted to the Court for approval.

20 **(f)** Counsel must not make facial expressions, nod, shake their heads,
21 comment, or otherwise exhibit in any way any agreement, disagreement, or other
22 opinion or belief concerning the testimony of a witness or argument by opposing
23 counsel. Counsel shall instruct their clients and witnesses not to engage in such conduct.

24 **(g)** When the trial is not in session, counsel must never speak to jurors
25 under any circumstance, and must not speak to co-counsel, opposing counsel, witnesses,
26 or clients if the conversation can be overheard by jurors. Counsel must instruct their
27 clients and witnesses to avoid such conduct.
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1 **(h)** Where a party has more than one lawyer, only one attorney may
2 conduct the direct or cross-examination of a witness or make objections as to that
3 witness.

4 **(i)** Bottled water is permitted in the courtroom. Food, gum, and other
5 beverages are not permitted. Cell phones must be silenced or may be confiscated.

6 **6. Punctuality.**

7 **(a)** The Court expects the parties, counsel, and witnesses to be punctual.
8 Once the parties and their counsel are engaged in trial, the trial must be their priority. The
9 Court will not delay progress of the trial or inconvenience jurors.

10 **(b)** If a witness was on the stand at the time of a recess or adjournment,
11 the party that called the witness shall ensure the witness is back on the stand and ready to
12 proceed as soon as trial resumes.

13 **(c)** The parties must notify the CRD in advance if any party, counsel, or
14 witness requires a reasonable accommodation based on a disability or other reason.

15 **(d)** No presenting party may be without witnesses. If a party's remaining
16 witnesses are not immediately available, thereby causing an unreasonable delay, the
17 Court may deem that party to have rested.

18 **(e)** The Court generally will accommodate witnesses by permitting them
19 to be called out of sequence. Counsel should meet and confer in advance and make every
20 effort to resolve the matter.

21 **7. Exhibits.**

22 **(a)** No exhibit shall be placed before a witness unless a copy has been
23 provided to the Court and opposing counsel. Counsel must keep track of their exhibits
24 and exhibit list, and record when each exhibit has been admitted into evidence.

25 **(b)** Counsel are responsible for any exhibits they secure from the CRD
26 and must return them before leaving the courtroom.

27 **(c)** Any exhibit not previously marked must be accompanied by a request
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1 that it be marked for identification at the time of its first mention. Counsel must show a
2 new exhibit to opposing counsel before the court session in which it is mentioned.

3 **(d)** Counsel must inform the Court of any agreements reached regarding
4 any proposed exhibits, as well as those exhibits that may be received into evidence
5 without a motion to admit. When referring to an exhibit, counsel must refer to its exhibit
6 number. Counsel should instruct their witnesses to do the same. Counsel should make
7 every effort to correctly identify for the record the exhibit being referred to and should
8 use specific descriptions when directing witnesses to identify items within the exhibit
9 (i.e., “turning your attention to the bottom right-hand corner of exhibit 1,” versus “take a
10 look at this right here”).

11 **(e)** Counsel should not ask witnesses to draw charts or diagrams or ask
12 the Court’s permission for a witness to do so. All demonstrative aids must be prepared
13 fully in advance of the day’s trial session.

14 **(f)** Counsel are required to seek to admit any items of evidence whose
15 admissibility has not yet been stipulated to while the witness authenticating the exhibit is
16 on the stand, so that any issues or concerns that arise may be addressed immediately.
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1 **F. SENTENCING**

2 **1. Objections to Presentence Reports and Sentencing Position Papers.**

3 Any objections to presentence reports must adhere to the requirements of Fed. R.
4 Crim. P. 32(f) and shall be filed within fourteen (14) days of receipt of the presentence
5 report. Further, no later than fourteen (14) days before the sentencing hearing, each party
6 shall submit either a sentencing memorandum or a written notice of intent not to file one.
7 Any response memorandum shall be filed at least seven (7) days before the sentencing
8 hearing. The Court does not permit sentencing documents to be filed under seal except as
9 strictly necessary and justified. When necessary, a sentencing document may be filed under
10 seal along with a redacted version that deletes the confidential information and justifies
11 each deletion (e.g., “medical information”).

12 **2. Sentencing Proceedings.**

13 The Court expects the parties to carefully consider the amount of time needed to
14 prepare for sentencing before the hearing date is set. Once set, the sentencing hearing shall
15 not be continued absent a detailed, substantial showing of good cause. The parties are
16 hereby given notice that the Court will consult the Judiciary Sentencing Information data
17 (“JSIN”) for the recommended Sentencing Guidelines range in preparation for all
18 sentencing hearings. JSIN data is available at
19 <https://jsin.ussc.gov/analytics/saw.dll?Dashboard>.

20 **3. Sentencing Videos.**

21 Absent leave of Court and based upon a showing of good cause, the Court does not
22 permit the submission or playing of sentencing videos. Before considering any sentencing
23 video, the Court requires counsel to justify its submission, limit the video to less than ten
24 (10) minutes, create a transcript, and provide the video and transcript to opposing counsel
25 at least twenty-one (21) days before the hearing.

26 **4. Supervision Violation Proceedings.**

27 Any material submitted for a hearing on an alleged or adjudicated violation of
28 supervision shall be filed, when possible, seven (7) days before the hearing, and otherwise

1 no later than two (2) court days before the hearing, absent court approval and a showing of
2 good cause set forth in a supporting declaration.

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4 **IT IS SO ORDERED.**

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6 Dated: June 11, 2025

7 HON. SERENA R. MURILLO
8 UNITED STATES DISTRICT JUDGE
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