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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

DEFENDANT'S NAME,
Defendant/s.

Case No.

CRIMINAL STANDING ORDER

1 **PLEASE READ THIS ORDER CAREFULLY. IT GOVERNS THE CASE**
2 **AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

3 This action has been assigned to the calendar of United States District Judge
4 Sunshine S. Sykes. Both the Court and the parties’ counsel bear responsibility for the
5 progress of this action. To ensure the just determination of this action, “to secure
6 simplicity in procedure and fairness in administration, and to eliminate unjustifiable
7 expense and delay,” as called for in Federal Rule of Criminal Procedure 2, all parties
8 or their counsel, including pro se defendants,¹ are ordered to be familiar with the
9 Federal Rules of Criminal Procedure, the Local Criminal Rules of the Central District
10 of California (“Local Criminal Rules”), the applicable Local Civil Rules of the
11 Central District of California (“Local Civil Rules”),² and this Court’s standing orders,
12 online procedures, and schedules.

13 Unless the Court orders otherwise, the following rules shall apply.

14 **I. General Requirements**

15 **A. Invitation to Self-Identify Pronouns and Honorifics**

16 Counsel may indicate their pronouns and honorifics and those of the defendant
17 by filing a letter adding the information in the name block or signature line of the
18 pleadings, or verbally informing the Court when making an appearance.

19 **B. Telephonic and Video Appearances.**

20 The Court does not conduct telephonic hearings. By default, **all hearings shall**
21 **proceed in-person**, unless a request is made by the parties to appear via video
22 appearance and granted by the Court. Requests for a remote Zoom appearance must
23 be filed one (1) week before the hearing and must indicate that counsel has met and
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25 ¹ Parties appearing pro se must comply with the Federal Rules of Criminal
26 Procedure, Civil Procedure, and Evidence and the Local Rules. Local Civil Rules 1-3
27 and 83-2.2.3.

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

1 conferred with opposing counsel consistent with Local Civil Rule 7-3.

2 **C. Filings**

3 The captioned title of every filing shall contain: (1) the name of the first-listed
4 defendant as well as the name(s) and number(s) of the particular defendant(s) to
5 whom the filing applies (in the order listed in the Indictment), unless the document
6 applies to all defendants; (2) the individual defendant's registration number when
7 applicable to the relief requested (*e.g.*, requests for transfer, medical requests); and
8 (3) the milestone dates for Indictment, Final Pretrial Conference, Trial, and Last Day
9 of the speedy trial period.

10 All parties shall docket items only as to the particular defendant(s) to whom the
11 item pertains, rather than all defendants, unless the item pertains to all. Except for
12 documents filed under seal or in camera, every document shall be filed electronically
13 in such a way that it is clear from the docketing entry to which defendant(s) it applies.
14 The outer envelope containing any document filed under seal or in camera should
15 identify the case title by the first-listed defendant and case number only and should
16 state that the document is being filed under seal or in camera.

17 Pursuant to Local Civil Rule 11-3.1.1, either a proportionally spaced or
18 monospaced font may be used. All briefing must use Times New Roman font. Text
19 must be no less than size fourteen (14) point font; footnotes shall be no less than size
20 twelve (12) point font.

21 Counsel must follow the Central District's Local Rules and General Orders
22 concerning electronic filing, unless superseded by this Order. Counsel shall adhere to
23 Local Civil Rule 5-4.3 with respect to the conversion of all documents to .pdf so that
24 when a document is filed, it is in the proper size and is .pdf searchable. Further, all
25 documents shall be filed in a format so that text can be selected, copied, and pasted
26 directly from the document. *See* Local Civil Rule 5-4.3.1.

27 **D. Mandatory Chambers Courtesy Copies and Emailed Submissions**

28 The Court requires chambers copies of any motion papers or related exhibits,

1 plea agreement(s), sentencing memoranda, and objections to the pre-sentence reports.
2 The Court refers the parties to the trial requirements listed below for details regarding
3 mandatory chambers copies of trial exhibits. This Order is not intended to affect the
4 parties' ability to file and lodge documents and materials that are exempt from
5 electronic filing under Local Criminal Rule 49-1.2.

6 Submissions emailed to Chambers pursuant to this Order must be in Microsoft
7 Word ("Word") format and emailed to SSS_Chambers@cacd.uscourts.gov.

8 **E. Calendar Conflicts**

9 If any counsel discovers a calendar conflict with a scheduled appearance in a
10 court of a more senior district judge, counsel must inform opposing counsel and the
11 Courtroom Deputy Clerk ("CRD") via Chambers' email address at:
12 SSS_Chambers@cacd.uscourts.gov as soon as possible and not later than three (3)
13 business days before the scheduled appearance. Counsel should attempt to agree on a
14 new date to accommodate the calendar conflict. Counsel must propose a new date by
15 filing a Stipulation and (Proposed) Order.

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

20 **F. Proposed Orders**

21 Each party filing or opposing a motion or seeking the determination of any
22 matter shall serve and lodge a proposed order setting forth the relief or action sought
23 and a brief statement of the rationale for the decision with appropriate citations. In
24 addition, a copy of the proposed order in Word format shall be emailed to Chambers
25 on the day the document is filed.
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1 The parties must use the template for proposed orders available on Judge
2 Sykes' webpage³ and submit in Word format. Failure to use the provided template or
3 submit in Word format may result in the Court striking the motion, application, or
4 stipulation without consideration of the request on its merits.

5 **II. Pre-Trial Procedures**

6 **A. Continuances**

7 Requests for continuances of pretrial or trial dates must be by motion,
8 stipulation, or application and must be supported by a declaration setting forth the
9 reasons for the request. The declaration must include a detailed factual showing of
10 good cause and due diligence demonstrating the necessity for the continuance, dating
11 back to the filing of the complaint, stating the steps the parties have taken to advance
12 the litigation, demonstrating why the remaining steps could not have been performed
13 within the applicable deadlines, and stating whether any previous requests for
14 continuances have been made and whether these requests were granted or denied by
15 the Court. The Court will not grant requests to continue pretrial or trial dates absent
16 this detailed showing. General statements are insufficient to establish good cause.

17 If the parties jointly request a continuance, the request should clearly state that
18 the government and defendant(s) agree. If the case is complex, one or more parties
19 require additional time to prepare for trial, or other circumstances apply necessitating
20 a continuance, the request should so state and describe in detail.

21 A list of counsel's upcoming scheduled trials in other actions will not support a
22 showing of good cause absent the following information regarding each such action
23 listed: (1) the case name, case number, court where the action is pending, and the
24 initials of the district judge or name of the state court judge assigned to each action;
25 (2) the age of the action; (3) the nature of the offense(s) charged and complexity of
26 the action; (4) the scheduled trial date; (5) the estimated length of trial; (6) the
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28 ³ <https://www.cacd.uscourts.gov/honorable-sunshine-s-sykes>.

1 number of continuances previously granted; (7) the parties' trial readiness; (8) the
2 estimated likelihood a future continuance will be requested; and (9) the likelihood the
3 trial will proceed on the scheduled date.

4 Any request for continuance of trial must be filed no later than one (1) week
5 prior to the Final Pretrial Conference. Requests extending dates set by the Court are
6 not effective unless approved by the Court.

7 **B. Motions**

8 The parties are reminded of their obligation under Local Civil Rule 7-3 and
9 Local Criminal Rule 57-1 to meet and confer to attempt to resolve disputes before
10 filing a motion.

11 Motions shall be filed in accordance with Federal Rule of Criminal Procedure
12 47 and Local Criminal Rule 49, *et seq.*, unless superseded by this Order. The Court
13 hears motions in criminal actions on **Fridays, beginning at 9:00 a.m.**

14 Pretrial motions, including motions to suppress evidence, motions to bifurcate
15 or sever, and motions concerning character evidence under Federal Rule of Evidence
16 404(b), shall be noticed for a Friday that is mutually agreed to by counsel. It is not
17 necessary to clear a hearing date with the CRD before filing a motion. The parties
18 should not calendar a matter on a Friday that is a court holiday. If this occurs, the
19 Court will re-calendar the matter for another Friday.

20 For all motions other than motions in limine, the briefing schedule is as follows:

- 21 • Motions shall be filed at least five (5) weeks prior to the hearing;
- 22 • Briefs in opposition or notices of non-opposition shall be filed at least three
23 (3) weeks prior to the hearing; and
- 24 • Replies, if any, shall be filed at least two (2) weeks prior to the hearing. All
25 motions must be properly noticed for hearing no later than the date of the
26 Final Pretrial Conference.

27 The parties must adhere to the briefing schedule set forth herein to afford the
28 Court adequate time to prepare for the hearing; however, the parties may stipulate to

1 an alternate briefing schedule contingent upon approval by the Court. Failure to
2 comply with these deadlines may result in the Court declining to consider the
3 untimely document. Local Criminal Rule 57-1; Local Civil Rule 7-12.

4 Memoranda of Points and Authorities in support of or in opposition to motions
5 (except motions in limine) shall not exceed twenty-five (25) pages. Replies shall not
6 exceed twelve (12) pages. Pursuant to Local Civil Rule 11-8, all Memoranda of
7 Points and Authorities exceeding ten (10) pages must be accompanied by a Table of
8 Authorities and a Table of Contents. Only in rare instances and for good cause
9 shown will the Court grant an application to extend these page limitations. No
10 supplemental brief shall be filed without prior leave of Court.

11 **C. Ex Parte Applications**

12 Ex parte applications are solely for extraordinary relief and are disfavored. The
13 Court may impose sanctions for misuse of ex parte applications. The Court considers
14 ex parte applications on the papers and does not usually set these matters for hearing.
15 If a hearing is necessary, the Court will notify the parties.

16 Ex parte applications that fail to conform to Local Civil Rules 7-19 and 7-19.1,
17 including a statement of opposing counsel's position, will not be considered except
18 upon a specific showing of good cause. The moving party shall serve the opposing
19 party electronically, if possible. A party is considered served once the ex parte
20 application has been e-filed. All parties registered for electronic service are sent a
21 notification of ECF filing each time a document is e-filed with a link to the document
22 for one free view. Defendants exempt from electronic service must be served the ex
23 parte application by facsimile or personal service. *See* Local Criminal Rules 49-1.2,
24 49-1.3.2(b); Local Civil Rule 5-3.

25 Following service of the ex parte application by electronic, facsimile, or
26 personal service, the moving party shall notify the opposing party that any opposition
27 must be filed no later than twenty-four (24) hours following service. Counsel will be
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1 notified by ECF of the Court’s ruling. If a party does not intend to oppose an ex
2 parte application, counsel must promptly inform the CRD.

3 Ex parte applications to allow defendants to travel should be made well in
4 advance of the proposed date of travel. Counsel should state whether the Pretrial
5 Services Officer has approved the travel. Applications by defendants with appointed
6 counsel must indicate who will pay for the travel and related expenses. If these
7 expenses are not to be paid by the defendant’s employer, the Court may require
8 declarations under penalty of perjury from the persons paying the expenses.

9 **D. Motions in Limine**

10 Motions in limine will generally be heard and ruled upon at the Final Pretrial
11 Conference. Each side is limited to five (5) motions in limine unless the Court grants
12 leave to file additional motions. Motions in limine must be filed at least four (4)
13 weeks before the Final Pretrial Conference. Oppositions must be filed at least two
14 (2) weeks before the Final Pretrial Conference. There shall be no replies. Motions in
15 limine and oppositions must not exceed ten (10) pages in length.

16 Before filing a motion in limine, the parties must meet and confer to determine
17 whether the opposing party intends to introduce the disputed evidence and attempt to
18 reach an agreement that would obviate the need for the motion. Motions in limine
19 should address specific issues (*e.g.*, not “to exclude all hearsay”). The Court may
20 strike without further notice excessive, unvetted, or untimely motions in limine.

21 The Mandatory Chambers Copy of all motions in limine and associated exhibits
22 must be provided in a three-ring binder. The government’s and Defendants’ motions
23 should be placed together in a single 3-inch binder if possible; if these materials do
24 not fit easily into a 3-inch binder, the parties may submit separate binders. In either
25 case, each motion should be tabbed and accompanied by the corresponding
26 Memorandum of Opposition.

1 **E. Notice and Discovery**

2 Counsel shall comply with all notice and discovery obligations set forth in
3 Federal Rules of Criminal Procedure 12, 12.1 - 12.4, 15, and 16. The government
4 shall promptly produce to counsel for the defendant any evidence falling within the
5 scope of *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S.
6 150 (1972), *Roviaro v. United States*, 353 U.S. 53 (1957), and *United States v.*
7 *Henthorn*, 931 F.2d 29 (9th Cir. 1991). The parties are encouraged to produce
8 witness statements pursuant to 18 U.S.C. § 3500 and Federal Rule of Criminal
9 Procedure 26.2 sufficiently in advance of trial or other proceeding to avoid delays.
10 Defense counsel is reminded of its reciprocal discovery obligations pursuant to
11 Federal Rule of Criminal Procedure 26 and should promptly produce such materials
12 to avoid delay at trial. Counsel for the government shall also disclose to counsel for
13 the defendant the existence or non-existence of (1) evidence obtained by electronic
14 surveillance and (2) testimony by a government informant. A violation of this Order
15 or the government’s obligations under *Brady*, *Giglio*, *Roviaro*, or *Henthorn* may lead
16 to a finding of contempt, imposition of sanctions, referral to a disciplinary authority,
17 adverse jury instructions, exclusion of evidence, or dismissal of charges.

18 Counsel shall meet and confer to resolve discovery disputes informally prior to
19 filing a motion to compel discovery. All discovery motions shall state with
20 particularity what is requested, the basis for the request, whether the discovery at
21 issue has been requested, and opposing counsel’s response to each such request. The
22 Court may decline to hear discovery motions made without prior consultation with
23 opposing counsel.

24 **F. Bail Review**

25 Any request for bail review based on changed circumstances or information not
26 previously presented to the Magistrate Judge shall be addressed in the first instance to
27 the Magistrate Judge and shall be served on both opposing counsel and Pretrial
28 Services.

1 **III. Final Pretrial Conference Requirements**

2 No later than one (1) week before the Final Pretrial Conference, the government
3 shall file the following documents: trial memorandum; witness list; exhibit list; case-
4 specific glossary for the Court Reporter; joint jury instructions in the form described
5 below; joint proposed verdict form; joint statement of the case, and proposed voir
6 dire questions, if any. The requirements for these documents are set forth below.

7 **A. Trial Memorandum**

8 The government’s trial memorandum shall set forth: (1) a factual summary of
9 the government’s case-in-chief; (2) a statement of the charges and the elements of
10 each charge; (3) a time estimate of the length of the government’s case-in-chief,
11 including anticipated cross-examination; and (4) a discussion of relevant legal and
12 evidentiary issues as applied to the facts of the case. The government shall meet and
13 confer with counsel for the defense and specify in the trial memorandum whether the
14 parties agree or disagree on the matters therein.

15 **B. Witness Lists**

16 Witness lists must be in the format specified in Local Civil Rule 16-5, and
17 must identify all potential witnesses, including for each witness: (1) a brief
18 description of the testimony; (2) the reasons the testimony is unique and not
19 redundant; and (3) a time estimate in hours for direct and cross-examination. The
20 parties must use the template posted to Judge Sykes’ webpage.

21 Any Amended Witness List must be filed and emailed to Chambers in Word
22 format by 12:00 p.m. (noon) on the Friday before trial.

23 **C. Exhibit Lists**

24 Exhibit lists must be in the format specified in Local Civil Rule 16-6 and shall
25 include an additional column stating any objections to authenticity and/or
26 admissibility and the reasons for the objections. The parties must use the template
27 posted to Judge Sykes’ webpage. The list should include defense exhibits to the
28 extent the defense does not object to disclosure.

1 Any Amended Exhibit List must be filed and emailed to Chambers in Word
2 format by 12:00 p.m. (noon) on the Friday before trial.

3 **D. Case-Specific Glossary**

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

10 **E. Jury Instructions**

11 When possible, all instructions should be taken from the *Manual of Model*
12 *Criminal Jury Instructions for the Ninth Circuit*. Where no Ninth Circuit model
13 instruction applies, counsel should consult the instructions from O'Malley, et al.,
14 *Federal Jury Practice and Instructions*. The parties may submit alternatives to the
15 Ninth Circuit model jury instructions or O'Malley instructions only if counsel has a
16 reasoned argument that those instructions do not properly state the law or are
17 incomplete. The Court seldom gives instructions derived solely from case law.

18 The parties must make every effort to agree upon jury instructions before
19 submitting proposals to the Court. The Court expects the parties to agree on most
20 instructions, particularly when pattern or model jury instructions exist, and provide a
21 statement of applicable law. The parties shall meet and confer regarding jury
22 instructions in a timely manner.

23 Each proposed instruction shall be (1) numbered, (2) on a separate page, (3) set
24 forth in full, (4) cite the authority or source of the instruction, (5) cover only one
25 subject or principle of law, and (6) not repeat principles of law contained in any other
26 proposed instruction. If a standard instruction has blanks or offers options (*e.g.*, for
27 gender), the parties must fill in the blanks or make the appropriate selections.
28

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

9 All proposed jury instructions must also include an index that lists the number,
10 title, source, and page number for each instruction, as illustrated below:

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

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

17 During the trial and before closing argument, the Court will meet with the
18 parties to finalize the instructions. One or more copies of the instructions will be
19 given to the jury during deliberations. Accordingly, counsel must email Chambers a
20 “clean” set of all instructions in Word format, containing only the text of each
21 instruction, set forth in full on each page, with the caption “Instruction No. ____”
22 (eliminating the title and source of the instruction, supporting authority, etc.).

23 **F. Joint Proposed Verdict Forms**

24 The parties shall make every effort to agree on a general or special verdict form
25 before submitting proposals to the Court. If the parties are unable to agree on a
26 verdict form, the parties shall file and email to Chambers one document titled
27 “Competing Verdict Forms” which shall include (1) the parties’ respective proposed
28 verdict forms, (2) a redline of any disputed language, and (3) the factual or legal basis

1 for each party's position. The Court may opt to use a general verdict form if the
2 parties are unable to agree on a special verdict form.

3 **G. Joint Statement of the Case**

4 The parties must file and email to Chambers a Joint Statement of the Case for
5 the Court to read to the prospective jurors before commencement of voir dire. The
6 joint statement should be brief, neutral, and not more than one page in length.

7 **H. Proposed Voir Dire Questions**

8 The Court will conduct voir dire. In most cases, the Court will question all
9 prospective jurors in the jury panel. The Court asks prospective jurors basic
10 biographical questions (place of residence, employment, whether familiar with the
11 parties or counsel, etc.), as well as questions going to their ability to be fair and
12 impartial and carry out the duties required. The Court may ask additional case-
13 specific questions. The parties may file and email to Chambers any proposed case-
14 specific voir dire questions for the Court's consideration. If it considers the questions
15 proper, the Court will pose the questions to the prospective jurors.

16 All challenges for cause and all *Batson* challenges shall be made at sidebar or
17 otherwise outside the prospective jurors' presence. The Court will not necessarily
18 accept a stipulation to a challenge for cause.

19 **IV. Trial Procedures**

20 Trial days are generally Monday through Thursday, from 9:00 a.m. to 4:30 p.m.
21 with two ten-minute breaks and a one-and-a-half hour lunch break. Fridays are
22 usually reserved for the Court's calendar. As a result, trial will not be held on
23 Fridays unless the jury is deliberating or the Court's calendar allows trial to proceed.
24 The exact dates and times of trial proceedings will be determined at the Final Pretrial
25 Conference and on a case-by-case basis. The Court may consider the expected length
26 of trial, the witnesses and evidence to be presented, and the availability of counsel
27 and the parties.
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1 On the first day of trial, the parties must appear at 8:30 a.m. to discuss
2 preliminary matters with the Court. Thereafter, legal and administrative matters will
3 be addressed between 8:30 a.m. and 9:00 a.m. or 1:00 p.m. and 1:30 p.m. All counsel
4 are urged to anticipate matters that may need to be addressed outside of the presence
5 of the jury and to raise them during this period, during breaks, or at the end of the
6 day. The Court does not make jurors wait while counsel discuss matters that should
7 or could have been addressed at other times. Counsel are urged to consider any
8 unusual substantive or evidentiary issues that may arise, and to advise the Court of
9 such issues. Short briefs addressing such disputed issues are welcome.

10 Before trial begins, and as soon as the information becomes available to
11 counsel, counsel should advise the Court of any concerns or accommodations that are
12 requested for parties or witnesses. During trial, if there are any matters to be
13 discussed outside the presence of the jury, counsel shall advise the CRD of the
14 request. The Court discourages sidebars during trial unless the issue cannot be
15 resolved at an upcoming break.

16 The Court will call a jury panel only when it is satisfied the case is ready for
17 trial. Jury selection usually takes only a few hours. The parties should be prepared to
18 proceed with opening statements and witness examination immediately after jury
19 selection.

20 **A. Court Reporter Requests**

21 Any party requesting special court reporter services (*e.g.*, daily transcripts) shall
22 notify Court Reporting Services at least two (2) weeks prior to trial.⁴

23 **B. Timing of Government Materials**

24 The government must present the following materials to the CRD the first day
25 of trial:

26 _____
27 ⁴ Additional information regarding Court Reporting Services may be found on the
28 Central District of California's website at <http://www.cacd.uscourts.gov/court-reporting-services>.

- 1 1. Three (3) copies of the indictment/information;
- 2 2. Three (3) copies of the government's witness list;
- 3 3. Three (3) copies of the government's exhibit list; and
- 4 4. All government exhibits in accordance with Section IV.D below.

5 **C. Timing of Defense Materials**

6 Defense counsel shall provide the government and the CRD the defense's
7 witness list and exhibit list at the start of the defense's case, at the latest. Defense
8 counsel shall also simultaneously email to Chambers a Word version of the defense's
9 witness list and exhibit list. Defense exhibits shall be submitted at the same time in
10 accordance with IV.D below.

11 **D. Trial Exhibits**

12 Trial exhibits that consist of documents and photographs must be submitted to
13 the Court in three-ring binders. The parties shall submit to the Court three (3) sets of
14 binders: one (1) binder with the original set of trial exhibits, and two (2) binders with
15 copies of trial exhibits. The original set of exhibits shall be for use by the jury
16 during its deliberations, and the two sets of copies are for the Court. **The parties**
17 **should prepare additional copies of exhibits for their own use and for use by**
18 **witnesses.** The parties must review the exhibit lists and exhibit binders with the
19 CRD after closing arguments before the admitted exhibits will be given to the jury.

20 All exhibits placed in three-ring binders must be indexed by exhibit number
21 with tabs or dividers on the right side. Exhibits shall be numbered sequentially: 1, 2,
22 3, etc., not 1.1, 1.2, etc. *See* Local Civil Rule 16-6. Every page of a multi-page
23 exhibit must be numbered. Defendant's exhibit numbers shall not duplicate the
24 government's numbers. The spine of each binder shall indicate the volume number
25 and the range of exhibit numbers included in the volume.

26 The **original exhibits** shall bear the official exhibit tags (yellow tags for the
27 government's exhibits and blue tags for defendant's exhibits) affixed to the front
28 upper right-hand corner of the exhibit, with the case number, case name, and exhibit

1 number stated on each tag. Tags may be obtained from the Clerk’s Office, or the
2 parties may print their own exhibit tags using Forms G-14A and G-14B on the “Court
3 Forms” section of the Central District of California’s website:

4 <http://www.cacd.uscourts.gov/forms/exhibit-tags-plaintiff-defendant>.

5 The **copies of exhibits** must bear copies of the official exhibit tags that were
6 placed on the original exhibits and be indexed with tabs or dividers on the right side.

7 In addition to the three (3) sets of binders mentioned above, the parties must
8 also submit to the Court a USB flash drive containing .pdf versions of all exhibits one
9 (1) week before the start of trial. The USB flash drive should be delivered to Judge
10 Sykes’ “Courtesy Box” located outside of Courtroom 2 on the 2nd floor at the United
11 States District Court, 3470 12th Street, Riverside, California 92501. The
12 government’s exhibits should be placed in a separate electronic folder from
13 defendant’s exhibits, if any, and the document file names **must** include the exhibit
14 number and a brief description of the document, for example: “Ex. 1 - Smith
15 Declaration.pdf” or “Ex. 105 - Letter Dated 1-5-20.pdf.”

16 The Court provides audio/visual equipment for use during trial. The parties are
17 encouraged to use it. More information is available at:

18 <http://www.cacd.uscourts.gov/clerk-services/courtroom-technology>. If counsel
19 wishes to arrange for the use of additional equipment beyond what is ordinarily
20 available in the courtroom, counsel shall email Chambers at least one (1) week before
21 trial so that the necessary arrangements may be made.

22 The Court does not permit exhibits to be “published” to the jurors before they
23 are admitted into evidence. Once admitted, exhibits may be displayed electronically
24 using the equipment and screens in the courtroom.

25 Weapons or contraband used as exhibits must remain in the custody of a law
26 enforcement agent during the pendency of the trial. It shall be the responsibility of
27 the agent to produce any such items for court, secure them at night, and guard them at
28 all times while in the courtroom. The party using any such exhibit must notify the

1 United States Marshals Service well in advance if weapons or contraband are to be
2 brought into the courthouse.

3 Counsel shall not attempt to display or use any charts or enlargements of
4 exhibits unless all counsel have agreed to their use or objections have been heard and
5 a ruling has been made by the Court.

6 **E. Expert Witnesses**

7 The Court expects that all expert witness testimony will conform to the
8 applicable guidance set forth in the U.S. Department of Justice Uniform Language for
9 Testimony and Reports found at: [https://www.justice.gov/olp/uniform-language-
10 testimony-and-reports](https://www.justice.gov/olp/uniform-language-testimony-and-reports). To the extent the parties anticipate that any expert witness
11 testimony will not conform to this guidance or that there is no applicable guidance,
12 the parties must raise any such issue with the Court via a motion in limine for
13 decision at the Final Pretrial Conference.

14 **V. Conduct of Attorneys and Parties**

15 **A. Meeting and Confering Throughout Trial**

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

19 **B. Opening Statements, Witness Examinations, and Summation**

20 Counsel shall not discuss the law or argue the case in opening statements.
21 Counsel must use the lectern. Counsel should not consume jury time by writing out
22 words and drawing charts or diagrams. All such aids must be prepared in advance.
23 When appropriate, the Court will establish and enforce time limits for all phases of
24 trial, including opening statements, witness examinations, and closing arguments.

25 **C. Objections to Questions**

26 Counsel must not make speaking objections before the jury or otherwise make
27 speeches, restate testimony, or attempt to guide a witness.
28

1 When objecting, counsel must rise⁵ to state the objection and state only that
2 counsel objects and the legal grounds for the objection. If counsel wishes to argue an
3 objection further, counsel must seek permission from the Court.

4 **D. General Decorum While in Session**

- 5 1. Counsel must not approach the CRD, jury box, or witness stand
6 without Court authorization. Counsel must return to the lectern
7 when the purpose for the approach has been accomplished.
- 8 2. Counsel must rise when addressing the Court, and when the Court
9 or the jury enters or leaves the courtroom, unless directed
10 otherwise.
- 11 3. Counsel must address all remarks, including any requests to repeat
12 questions or answers, to the Court. Counsel must not address the
13 CRD, the Court Reporter, persons in the gallery, or opposing
14 counsel. Counsel must ask the Court's permission to speak with
15 opposing counsel.
- 16 4. Counsel must not address or refer to witnesses or parties by first
17 names alone, except for witnesses who are below age fourteen
18 (14).
- 19 5. Counsel must address or refer to witnesses counsel, parties, and
20 court personnel by their surnames, pronouns, and honorifics,
21 unless leave to do otherwise is granted.
- 22 6. Counsel must not offer any stipulation before conferring with
23 opposing counsel and securing their agreement. **Any stipulation**
24 **of fact requires the defendant's personal concurrence, must be**
25 **explained to the defendant in advance, and must be submitted**

26
27 ⁵ Any party who is unable to rise, by reason of disability or otherwise, should inform
28 the Court in advance.

1 **to the Court in writing for approval.**

- 2 7. Counsel must remain at counsel table throughout trial except to
3 examine witnesses, or as otherwise needed to present evidence.
4 Counsel must not leave counsel table to sit in the gallery or confer
5 with any person in the back of the courtroom without the Court's
6 permission.
- 7 8. Counsel must refrain from interrupting any other person in the
8 courtroom when someone else is speaking.
- 9 9. Counsel must not make facial expressions, nod, shake their heads,
10 comment, or otherwise exhibit in any way any agreement,
11 disagreement, or other opinion or belief concerning the testimony
12 of a witness or argument by opposing counsel. Counsel shall
13 instruct their clients and witnesses not to engage in such conduct.
- 14 10. Counsel must never speak to jurors under any circumstance and
15 must not speak to co-counsel, opposing counsel, witnesses, or
16 clients if the conversation can be overheard by jurors. Counsel
17 must instruct their clients and witnesses to avoid such conduct.
- 18 11. Where a party has more than one lawyer, only one attorney may
19 conduct the direct or cross-examination of a particular witness or
20 make objections as to that witness.
- 21 12. Bottled water is permitted in the courtroom. Food and other
22 beverages are not permitted. Cell phones must be silenced or may
23 be confiscated.

24 **E. Promptness**

- 25 1. The Court expects the parties, counsel, and witnesses to be
26 punctual. Once the parties and their counsel are engaged in trial,
27 the trial must be their priority. The Court will not delay progress
28 of the trial or inconvenience jurors.

- 1 2. If a witness was on the stand at the time of a recess or
2 adjournment, the party that called the witness shall ensure the
3 witness is back on the stand and ready to proceed as soon as trial
4 resumes.
- 5 3. The parties must notify the CRD in advance if any party, counsel,
6 or witness requires a reasonable accommodation based on a
7 disability or another reason.
- 8 4. No presenting party may be without witnesses. If a party's
9 remaining witnesses are not immediately available, thereby
10 causing an unreasonable delay, the Court may deem that party to
11 have rested.
- 12 5. The Court will generally accommodate witnesses by permitting
13 them to be called out of sequence. Counsel should meet and
14 confer in advance and make every effort to resolve the matter.

15 **F. Exhibits**

- 16 1. No document shall be placed before a witness unless a copy has
17 first been provided to the Court and opposing counsel. The Court
18 does not permit exhibits to be "published" to the jury by passing
19 them up and down the jury box. Exhibits may be displayed briefly
20 using the screen in the courtroom unless the process becomes too
21 time-consuming.
- 22 2. Counsel must keep track of their exhibits and exhibit list and
23 record when each exhibit has been admitted into evidence.
- 24 3. Counsel are responsible for any exhibits they secure from the CRD
25 and must return them before leaving the courtroom.
- 26 4. Any exhibit not previously marked must be accompanied by a
27 request that it be marked for identification at the time of its first
28 mention. Counsel must show a new exhibit to opposing counsel

1 before the court session in which it is mentioned.

- 2 5. Counsel must inform the CRD of any agreements reached
3 regarding any proposed exhibits, including any exhibits that may
4 be received into evidence without a motion to admit.
- 5 6. Counsel must refer to exhibits by exhibit number and instruct their
6 witnesses to do the same.
- 7 7. Counsel should not ask witnesses to draw charts or diagrams or ask
8 the Court's permission for a witness to do so. All demonstrative
9 aids must be prepared in advance of the day's trial session.
- 10 8. For any items of evidence whose admissibility has not been
11 stipulated to, counsel must seek to admit such items while the
12 sponsoring witness is on the stand so that any issues or concerns
13 that arise may be addressed immediately.
- 14

15 **VI. Sentencing**

16 **A. Original Sentencing**

17 Once set, the sentencing hearing shall not be continued absent a detailed,
18 substantial showing of good cause. No later than fourteen (14) days before the
19 hearing, each party shall submit either a sentencing memorandum or a written notice
20 of intent not to file one. If counsel wishes to submit a sentencing video, they must
21 seek the Court's permission. If permission is granted, counsel must provide the video
22 and a transcript to opposing counsel at least twenty-one (21) days before the
23 sentencing hearing. Videos may not exceed ten (10) minutes.

24 The Court does not permit sentencing documents to be filed under seal except
25 as strictly necessary and justified. Any documents filed under seal should be
26 accompanied by a redacted version, omitting confidential information and providing a
27 justification for each deletion (*e.g.*, "medical information").
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