

# Chambers Criminal Rules

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The Honorable Thomas J. Whelan

United States District Court, Southern District of California

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## Communications with Chambers

- A. **Letters.** Letters to chambers are prohibited, unless specifically requested by the Court. If letters are requested, copies of the same shall be simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.
- B. **Faxes.** Faxes to chambers are prohibited, unless specifically requested by the Court. If faxes are requested, copies of the same shall be simultaneously faxed or delivered to all counsel. The chambers fax number is 619-702-9915.
- C. **Telephone Calls.** For criminal matters, call the Courtroom Deputy Clerk, at 619-557-2921. For civil matters, call chambers at 619-557-6625.

## Requests for Continuance

All requests for continuance should be made as soon as counsel become aware of the need for a continuance by contacting the Courtroom Deputy Clerk, at 619-557-2921. If counsel stipulate to the requested continuance, a joint motion stating the reason for the continuance and whether the defendant is in custody shall be filed **no later than the Wednesday prior to the Monday hearing**. If the defendant is out on bond, **an acknowledgment of next court date must be filed** with the joint motion. The proposed order should be emailed to [efile\\_whelan@casd.uscourts.gov](mailto:efile_whelan@casd.uscourts.gov) when the joint motion is filed, and the email's subject line should contain the case number and defendant's name.

## General Court Information

Criminal hearings are scheduled on Mondays at 9:00 a.m. Motion hearings set by the Court are heard on Mondays at 10:00 a.m.

### **Pretrial Release**

Pretrial Release decisions and modifications of release conditions are to be made by the Magistrate Judge, subject to appeal. A transcript shall be attached to any appeal to Judge Whelan of the Magistrate Judge's rulings regarding bail.

### **Disposition Hearings**

Judge Whelan prefers to handle dispositions in his cases. However, if he is not available, he does not object to counsel scheduling dispositions before the Magistrate Judges.

### **Trial Information**

Normal trial hours are Tuesdays through Fridays from 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m.

Motions in limine are heard the morning of trial prior to the jury empanelment.

**Exhibits:** Counsel are requested to pre-mark exhibits. Plaintiff/government counsel will use numbers. Defense counsel will use letters. Government counsel shall provide a list of exhibits to the Courtroom Deputy Clerk on the first day of trial. All trial exhibits are returned to counsel at the conclusion of trial.

**Jury Selection:** The Courtroom Deputy Clerk will provide counsel with a numbered list of the jury panel. Judge Whelan seats 12 jurors and permits counsel to voir dire after the jurors have answered a short jury questionnaire. Counsel will exercise their peremptory challenges in open court, on the record.

**Jury Instructions:** Judge Whelan prefers to use the Ninth Circuit Criminal Jury Instructions when possible. If a party has more than one lawyer, only one may object during direct or cross-examination of a given witness.

It is defense counsel's responsibility to arrange for an in-custody criminal defendant to be dressed in appropriate clothing ahead of time, consistent with the procedures at the institution where the defendant is being housed.

If a witness requires an interpreter, it is counsel's responsibility to notify, in advance of trial, the Courtroom Deputy Clerk or the Court's interpreter section of the need for an interpreter for a witness.

Counsel shall refrain from using foreign languages on the record in court. The Court Reporter only transcribes in English.