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

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 Defendant(s).

Case No.

**STANDING ORDER
FOR CRIMINAL CASES**

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18 This criminal case has been assigned to the calendar of United States District Judge
19 Sherilyn Peace Garnett. This Criminal Case Standing Order, Federal Rules of Criminal
20 Procedure, the Local Criminal Rules of the Central District of California (“Local Criminal
21 Rules”), and the applicable Local Civil Rules of the Central District of California (“Local
22 Civil Rules”) will govern this case. The Court periodically updates this Order. Counsel
23 should obtain the latest version of the Order under Orders & Additional Documents at the
24 bottom of Judge Garnett’s webpage on the court’s website.
25 (<http://ww.cacd.uscourts.gov/honorable-sherilyn-peace-garnett>). The version date appears
26 in the electronic file name.

27 To ensure the just determination of this action, “to secure simplicity in procedure
28 and fairness in administration, and to eliminate unjustifiable expense and delay,” as called

1 for in Fed. R. Crim. P. 2, all parties or their counsel, including pro se¹ defendants, are
2 ordered to be familiar with this Order, the Federal Rules of Criminal Procedure, the Local
3 Criminal Rules, the Local Civil Rules, this Court’s online Procedures and Schedules, and
4 the law governing the issues in this case.²

5 Unless the court orders otherwise, the following rules shall apply.

6 **I. GENERAL REQUIREMENTS**

7 **A. Filing**

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

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

22 3. *Format of filings.* Pursuant to Local Civil Rule 11-3.1.1, either a
23 proportionally spaced or monospaced face may be used. Typeface shall comply with Local
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25 ¹ Parties appearing pro se must comply with the Federal Rules of Civil Procedure and the
26 Local Rules. 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 Civil Rule 11-3.1.1. Times New Roman font must be no less than fourteen (14) point, and
2 Courier font must be no less than twelve (12) point. Footnotes shall be in the same font
3 and the same size as the text in the body of the document.

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

8 5. *Proposed orders.* Proposed orders must state the relief sought, the
9 defendant(s) affected, and, when relevant, the supporting rationale and authority—and
10 must be submitted in a form that would originate from the Court. **That means proposed
11 orders, whether from private counsel or government counsel, should not include:
12 (a) any attorney information on the caption page; (b) any information in the footer
13 (except pagination); (c) any watermark or firm designation anywhere; and (d) any
14 signature line designating the party and attorney who submitted the proposed order.**

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

21 7. *Mandatory Chambers Copies.* Mandatory paper Chambers copies of
22 all e-filed motions, sentencing position papers, and trial documents must be delivered to
23 Judge Garnett’s mailbox outside the Clerk’s Office on the Fourth Floor of the First Street
24 Courthouse, no later than 5:00 p.m. on the first court day after the filing date, or on the
25 same day if priority processing is requested. Exhibits, declarations, etc. to chambers copies
26 must be tabbed, where applicable. Mandatory Chambers Copies need NOT be blue-
27 backed.

1 **B. Calendar Conflicts**

2 Per the memorandum of understanding between the Judges of the Central District of
3 California, the United States Attorney’s Office, and the Federal Public Defender’s Office,
4 “when an attorney has two or more matters scheduled on the same day at the same time
5 before two or more judges, appearances shall be based on seniority of District Judges and
6 then Magistrate Judges.” See [https://www.cacd.uscourts.gov/sites/default/files/seniority-](https://www.cacd.uscourts.gov/sites/default/files/seniority-list.pdf)
7 [list.pdf](https://www.cacd.uscourts.gov/sites/default/files/seniority-list.pdf). Counsel are expected to adhere to this agreement. If any counsel discovers a
8 calendar conflict with a scheduled appearance in a court of a more senior district judge, as
9 soon as possible and not later than three (3) business days before the scheduled appearance,
10 counsel must inform opposing counsel and the Courtroom Deputy Clerk via the chambers’
11 email address at: SPG_Chambers@cacd.uscourts.gov. Counsel should attempt in good
12 faith to agree on a new date to accommodate the calendar conflict and should propose a
13 new date agreed to by the parties by Stipulation and [Proposed] Order.

14 **C. Attorney of Record**

15 The Court requires an attorney of record to, at a minimum, appear for hearings on
16 motions to suppress, motions in limine, and dispositive motions; changes of plea; the final
17 pretrial conference; jury selection; trial; and the sentencing hearing. For these stages of the
18 proceeding, the Court will not permit others to stand in on the attorney of record’s behalf.
19 If an attorney of record cannot appear at a scheduled hearing due to unforeseen
20 circumstances, the parties should follow the procedure outlined above as soon as the
21 conflict arises.

22 **D. Civility**

23 As a general matter, once a case has been publicly filed on the docket, the parties are
24 expected to meet and confer in good faith and in a courteous, reasonable, and professional
25 manner in an attempt to resolve any dispute before filing a request for relief with the Court.
26 Any such request shall state the date and time the meet and confer requirement was satisfied
27 and state with particularity opposing counsel’s response to the request or state with
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1 particularity the facts demonstrating good cause why a meet and confer could not be
2 accomplished.

3 In all interactions and communications with an opposing counsel and an opposing
4 party, counsel must adhere to the Civility and Professionalism Guidelines at:
5 <http://www.cacd.uscourts.gov/attorneys/admissions/civilityandprofessionalismguidelines>.

6 **II. PRETRIAL PROCEDURES**

7 **A. Bail Review.**

8 Any request for bail or the modification of a bond that is based on changed
9 circumstances or information not previously presented to the Magistrate Judge, including
10 the availability of new sureties, shall be filed with the Magistrate Judge, not the District
11 Judge. A request for review of the Magistrate Judge's decision on bail or the conditions of
12 bond shall be filed with the District Judge, served on both opposing counsel and Pretrial
13 Services, shall state whether opposing counsel and/or Pretrial Services opposes the request,
14 and shall state whether all sureties, if any, have been informed of and agree with the
15 request. Multiple requests for bail review are strongly discouraged, even if a defendant
16 obtains new counsel.

17 **B. Notice and Discovery.**

18 1. *Disclosure requirements.* Counsel shall comply with all notice and
19 discovery obligations set forth in Fed. R. Crim. P. 12, 12.1, 12.2, 12.3, 12.4, 15, and 16.
20 The government shall promptly produce to counsel for the defendant any evidence falling
21 within the scope of *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405
22 U.S. 150 (1972), *Roviaro v. United States*, 353 U.S. 53 (1957), and *United States v.*
23 *Henthorn*, 931 F.2d 29 (9th Cir. 1991). The parties are encouraged to produce witness
24 statements pursuant to 18 U.S.C. § 3500 and Fed. R. Crim. P. 26.2 sufficiently in advance
25 of trial or other proceeding to avoid delays. Defense counsel is reminded of its reciprocal
26 discovery obligations pursuant to Fed. R. Crim. P. 26 and should promptly produce such
27 materials to avoid delay at trial. Counsel for the government shall also disclose to counsel
28 for defendant the existence or non-existence of: (1) evidence obtained by electronic

1 surveillance; and (2) testimony by a government informant. A violation of this order or
2 the government's obligations under *Brady, Giglio, Roviario, or Henthorn* may lead to a
3 finding of contempt, imposition of sanctions, referral to a disciplinary authority, adverse
4 jury instructions, exclusion of evidence, and dismissal of charges.

5 2. *Meet and confer requirement.* As set forth above in the Civility section,
6 Counsel shall meet and confer to resolve discovery disputes informally prior to filing a
7 motion to compel discovery. All discovery motions shall state the date the meet and confer
8 requirement was satisfied, state with particularity what is requested, the basis for the
9 request, whether the discovery at issue has been requested, and opposing counsel's
10 response to such request. Both parties are required to meet and confer in good faith in an
11 effort to reach a resolution without the need for a motion. The Court may decline to hear
12 discovery motions made without prior consultation with opposing counsel.

13 **C. Continuances.**

14 1. *Requests.* Requests for continuances of pretrial and trial dates must be
15 by motion, stipulation, or application. All requests must be signed by both the defendant(s)
16 and counsel. Each request must include a detailed factual showing of good cause and due
17 diligence demonstrating the necessity for the continuance, stating whether any previous
18 requests for continuances have been made and whether these requests were granted or
19 denied by the Court. The Court will not grant requests to continue pretrial and trial dates
20 absent the detailed showing. General statements are insufficient to establish good cause.
21 To the extent the request to continue dates is joint, it should state clearly that the
22 government and defendant(s) agree. To the extent the action is complex, one or more
23 parties require additional time to prepare for trial, or other circumstances apply
24 necessitating a continuance, the request should so state and describe in detail. A list of
25 counsel's upcoming scheduled trials in other actions will not support a showing of good
26 cause absent the following information regarding each such action listed: (1) the case name,
27 case number, court where the action is pending, and the initials of the district judge or name
28 of the state court judge assigned to the action; (2) the age of the action; (3) the nature of

1 the offense(s) charged and complexity of the action; (4) the scheduled trial date; (5) the
2 estimated length of trial; (6) the number of continuances previously granted; (7) the parties'
3 trial readiness; (8) the estimated likelihood a future continuance will be requested; and
4 (9) the likelihood the trial will proceed on the scheduled date. Counsel shall avoid
5 submitting requests for continuance of trial less than one (1) week prior to the final pretrial
6 conference. A request to continue dates that have already expired constitutes a presumptive
7 lack of due diligence. Requests extending dates set by the Court are not effective unless
8 approved by the Court.

9 2. *Proposed Orders.* Unless otherwise specified by the Speedy Trial Act,
10 18 U.S.C. § 3161, et seq., proposed orders submitted to the Court in support of an *initial*
11 request for a trial continuance should list either the date of the order or the date of the
12 parties' stipulation as the starting date for the period of delay that is excluded under
13 § 3161(h) in computing the time within which the trial of any offense shall commence,
14 instead of the current trial date sought to be continued.

15 **D. Pre-trial Motions (except motions *in limine*).**

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

23 2. *Length of brief.* Memoranda of points and authorities in support of or
24 in opposition to motions (besides motions *in limine*) shall not exceed 7000 words. Replies
25 shall not exceed twelve (12) pages. Only in rare instances and for good cause shown will
26 the court grant an application to extend these word or page limitations. No supplemental
27 brief shall be filed without prior leave of court.

1 3. *Filing of motions.* Motions shall be filed in accordance with Fed. R.
2 Crim. P. 47 and Local Criminal Rule 49, et seq., unless superseded by this Order. The
3 Court hears motions in criminal actions on Wednesday, beginning at 9:30 a.m. Pretrial
4 motions, including motions to suppress evidence, motions to bifurcate or sever, and
5 motions concerning character evidence under Fed. R. Evid. 404(b), shall be noticed for a
6 Wednesday that is mutually agreed to by counsel and that is not closed on the Court's
7 calendar. Before filing a motion, the moving party should check the Court's webpage for
8 available hearing dates. The parties should not calendar a matter on a date that is closed
9 on the Court's webpage. If this occurs, the court will re-calendar the matter for another
10 day.

11 4. *Briefing schedule.* For all motions, other than motions *in limine*, the
12 briefing schedule is as follows: motions shall be filed five (5) weeks prior to the hearing;
13 oppositions or notices of non-opposition shall be filed three (3) weeks prior to the hearing;
14 and replies, if any, shall be filed two (2) weeks prior to the hearing. All motions must be
15 properly noticed for hearing no later than the date of the Final Pretrial Conference. The
16 parties must adhere to the briefing schedule set forth herein to afford the Court adequate
17 time to prepare for the hearing; however, the parties may stipulate to an alternate briefing
18 schedule contingent upon approval by the Court. Failure to comply with these deadlines
19 may result in the court declining to consider the untimely memorandum or other document.
20 Local Criminal Rule 57-1; Local Civil Rule 7-12.

21 **E. *Ex Parte Applications***

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

1 The moving party shall serve the opposing party electronically, if possible. A party is
2 considered served once the *ex parte* application has been e-filed. All parties registered for
3 electronic service are sent a notification of ECF filing each time a document is e-filed with
4 a link to the document for one free view. Defendants exempt from electronic service must
5 be served the *ex parte* application by facsimile or personal service. See Local Criminal
6 Rules 49-1.2, 49-1.3.2(b); Local Civil Rule 5-3. The Court considers *ex parte* applications
7 on the papers and usually does not set these matters for hearing.

8 2. *Service.* Following service of the *ex parte* application by electronic,
9 facsimile, or personal service, the moving party shall notify the opposing party that any
10 opposition must be filed no later than twenty-four (24) hours following service. Counsel
11 will be notified by ECF of the Court's ruling. If a party does not intend to oppose an *ex*
12 *parte* application, counsel must promptly inform the Courtroom Deputy Clerk.

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

21 **F. Motions *in Limine***

22 1. *Meet and confer requirement.* Before filing a motion *in limine*, the
23 parties must meet and confer. The moving party must identify the evidence to be excluded
24 or admitted, the specific terms of the order sought, and the rationale and supporting
25 authority. The nonmoving party shall state whether the party intends to introduce the
26 evidence sought by the moving party to be excluded or oppose the moving party's motion
27 to admit the evidence and provide the rationale and supporting authority if the nonmoving
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1 party opposes the motion. Both parties are required to meet and confer in good faith in an
2 effort to reach a resolution without the need for a motion.

3 2. *Hearing at the Pretrial Conference.* Motions *in limine* will generally
4 be heard and ruled upon at the Final Pretrial Conference. The Court may rule orally instead
5 of in writing.

6 3. *Limitation on number of in limine motions.* Each side is limited to five
7 (5) motions *in limine* unless the Court grants leave to file additional motions.

8 4. *Briefing.* All motions *in limine* must be filed at least twenty-eight
9 (28) days before the Final Pretrial Conference. Oppositions must be filed at least fourteen
10 (14) days before the Final Pretrial Conference. There shall be no replies, unless ordered
11 by the Court. Motions *in limine* and oppositions must not exceed ten (10) pages in length.
12 Motions *in limine* should address specific disputed issues (e.g., not “to exclude all
13 hearsay”). The Court may strike without further notice excessive, unvetted, or untimely
14 motions *in limine*.

15 **III. FINAL PRETRIAL CONFERENCE**

16 No later than one (1) week before the Final Pretrial Conference, the government
17 shall file and email the documents described below in Microsoft Word format to
18 SPG_Chambers@cacd.uscourts.gov:

- 19 • A trial memorandum;
- 20 • A witness list;
- 21 • An exhibit list;
- 22 • A joint case-specific glossary for the Courtroom Deputy Clerk;
- 23 • Joint jury instructions in the form described below;
- 24 • A joint proposed verdict form; and
- 25 • Proposed voir dire questions, if any.

26 The government must provide a Mandatory Chambers Copy of each document
27 delivered to Judge Garnett’s mailbox outside the Clerk’s Office on the Fourth Floor of the
28 First Street Courthouse no later than 5:00 p.m. on the first court day after the filing date.

1 The Mandatory Chambers Copies must be “binder ready” (three-hole punched on the left
2 side, without blue-backs or staples, and punched with large holes, which allow for ease of
3 movement of the documents on the ring binder).

4 **A. Trial Memorandum**

5 The government’s trial memorandum shall set forth: (i) a factual summary of the
6 government’s case-in-chief; (ii) a statement of the charges and the elements of each charge;
7 (iii) a time estimate of the length of the government’s case-in-chief, including anticipated
8 cross-examination; and (iv) a discussion of relevant legal and evidentiary issues as applied
9 to the facts of the particular case. The government shall specify, after a meet and confer,
10 whether the parties agree or disagree on matters (i) through (iv).

11 **B. Witness Lists**

12 Witness lists must identify all potential witnesses using full names - including
13 middle names when known - and must be in the format specified in Local Civil Rule 16-5.
14 If the defense objects to identifying a potential witness (not already on the government’s
15 list), the objection must be raised at the PTC. The lists must include for each witness: (i)
16 a brief description of the testimony; (ii) the reasons the testimony is unique and not
17 redundant; and (iii) a time estimate in hours for direct and cross-examination. The parties
18 should use the template posted to Judge Garnett’s webpage. Any Amended Witness List
19 must be filed by 12:00 p.m. (noon) on the Friday before trial and emailed to
20 SPG_Chambers@cacd.uscourts.gov in Microsoft Word format.

21 **C. Exhibit Lists**

22 Exhibit Lists must be in the format specified in Local Civil Rule 16-6 and shall
23 include an additional column stating any objections to authenticity and/or admissibility and
24 the reasons for the objections. The parties should use the template posted to Judge
25 Garnett’s webpage. Exhibits shall be numbered sequentially 1, 2, 3, etc., not 1.1, 1.2, 1.3,
26 etc. *See* Local Civil Rule 16-6. The list should include defense exhibits to the extent the
27 defense does not object to disclosure. Any Amended Exhibit List must be filed by 12:00
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1 p.m. (noon) on the Friday before trial and emailed to SPG_Chambers@cacd.uscourts.gov
2 in Microsoft Word format.

3 **D. Case-Specific Glossary**

4 The parties must provide a joint case-specific glossary for the court reporter that
5 includes applicable medical, scientific, or technical terms, gang terms, slang, the names
6 and spellings of case 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 1. *Joint Instructions required.* The parties must meet and confer to
12 generate and provide joint instructions. For any disputed instruction, the opponent shall
13 state on a separate page following the disputed instruction: (A) the basis for the objection;
14 (B) authority supporting the objection; and (C) an alternative instruction (if applicable).
15 On the following page, the proponent shall briefly respond to the objection with supporting
16 authority.

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

25 3. *Disputed Instructions.* For any disputed instruction, the opponent shall
26 state on a separate page following the disputed instruction: (a) the basis for the objection;
27 (b) authority supporting the objection; and (c) an alternative instruction (if applicable). On
28 the following page, the proponent shall briefly respond to the objection with supporting

1 authority. Where appropriate, the disputed instructions shall be organized by subject, so
2 that instructions that address the same or similar issues are presented sequentially. If there
3 are excessive or frivolous disagreements over jury instructions, the Court will order the
4 parties to meet and confer immediately until they substantially narrow their disagreements.

5 4. *No Blanks or Bracketed Language.* Counsel should not leave blanks or
6 inapplicable bracketed text in any instruction. It is counsel’s duty to conform the
7 instructions to the case (e.g., inserting names of defendant(s) or witness(es) to whom the
8 instruction applies and selecting the appropriate bracketed text, but not changing the
9 standard language of the instruction). Where language appears in brackets in the model
10 instruction, counsel must select the appropriate text and eliminate the inapplicable
11 bracketed text.

12 5. *Index.* All proposed jury instructions must have an index that includes
13 the following for each instruction, as illustrated in the example below:

- 14 • the number of the instruction;
- 15 • the title of the instruction;
- 16 • the source of the instruction and any relevant case citations; and
- 17 • the page number of the instruction.

18 ***Example:***

19 Instruction

20 <u>Number</u>	21 <u>Title</u>	22 <u>Source</u>	23 <u>Page Number</u>
24 #1	25 Conspiracy-Elements	26 9th Cir. 8.5.1	27 1

28 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.

6. *“Clean” Electronic Copy.* Counsel shall submit to the Chambers email
SPG_Chambers@cacd.uscourts.gov a “clean” set of all instructions in Word format that
will be given to the jury, containing only the text of each instruction, set forth in full on

1 each page, with the caption “Instruction No. ___” (eliminating the title and source of the
2 instruction, supporting authority, etc.).

3 **F. Joint Verdict Form**

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

9 **G. Proposed Voir Dire Questions**

10 The Court will conduct the voir dire. The Court will ask prospective jurors basic
11 biographical questions (jurors’ place of residence, employment, whether familiar with the
12 parties or counsel, etc.), as well as questions regarding their ability to be fair, impartial,
13 and carry out the duties required. The Court may ask additional case-specific questions.
14 The parties may file and email to Chambers any proposed case-specific voir dire questions
15 for the Court’s consideration. All challenges for cause and all Batson challenges shall be
16 made at side bar or otherwise outside the prospective jurors’ presence. The Court will not
17 necessarily accept a stipulation to a challenge for cause.

18 **IV. TRIAL**

19 **A. Trial Schedule.**

20 The schedule for the first day of trial is typically 8:30 a.m. to 4:30 p.m. with two 15-
21 minute breaks and a one-hour lunch break. The parties must appear at 8:30 a.m. to discuss
22 preliminary matters with the Court. The Court will call a jury panel only when it is satisfied
23 the case is ready for trial. Depending on the nature of the case, jury selection may take
24 only a few hours or a few days. The parties should be prepared to proceed with opening
25 statements and witness examination immediately after jury selection. Wednesdays are
26 usually reserved for the Court’s calendar. As a result, trial may not be held on Wednesdays
27 or the schedule may be shortened, unless the jury is deliberating, or the court’s calendar
28 allows trial to proceed on a regular schedule. Therefore, during the first week, trial days

1 will generally be on Tuesday, Thursday, and Friday, with a shortened or dark Wednesday
2 schedule. After the first week, trial days are generally Monday, Tuesday, Thursday and
3 Friday, again with the possibility of a shortened or dark Wednesday schedule.

4 **B. Government Materials to be Presented on the First Day of Trial**

5 1. *Documents and Binders.* The government must present the following
6 materials to the Courtroom Deputy Clerk on the first day of 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
11 jury, and two (2) copies of trial exhibits for the Court.

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

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

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

1 provided. Defense counsel shall provide the government, the Courtroom Deputy Clerk and
2 the Court Reporter with the defense witness list and the defense exhibit list at the start of
3 the defense case, at the latest.

4 **D. Trial Exhibits Binders Requirements**

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

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

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

27 4. *Enlargements and Charts.* An enlargement of an existing exhibit shall
28 use the original exhibit number followed by an "A." Counsel shall not attempt to display

1 or use any charts or enlargements of exhibits unless all counsel have agreed to their use or
2 objections have been heard and a ruling has been made by the Court.

3 **E. Audio, Video files, and Digital evidence.**

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

21 **F. Audio/Visual Equipment and Other Electronic Equipment**

22 The Court provides audio/visual equipment for use during trial. The parties are
23 encouraged to familiarize themselves with this equipment. More information is available
24 at: <http://www.cacd.uscourts.gov/clerk-services/courtroom-technology>. The Court does
25 not permit exhibits to be “published” to the jurors before they are admitted into evidence.
26 Once admitted, exhibits may be displayed electronically using the equipment and screens
27 in the courtroom. If electronic equipment must be brought into the courtroom for trial,
28 counsel shall make prior arrangements with the Court Security, and counsel must provide

1 notice no later than four (4) days before trial to the Courtroom Deputy Clerk at
2 SPG_Chambers@cacd.uscourts.gov.

3 **G. Special Court Reporter Services.**

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

7 **V. CONDUCT OF ATTORNEYS AND PARTIES**

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

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

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

12 Counsel must use the lectern and should not wander around the courtroom or away
13 from the lectern’s microphone. Counsel should not consume jury time by writing out
14 words and drawing charts or diagrams. All such aids must be prepared in advance. When
15 appropriate, the Court will establish and enforce time limits for all phases of trial, including
16 opening statements, closing arguments, and the examination of witnesses.

17 **C. Objections to Questions**

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

1 **D. Special Accommodations**

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

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

5 1. Counsel shall remain at the lectern when questioning a witness or
6 giving an opening statement or closing argument. Counsel shall not approach the witness
7 or enter the well without the Court's permission and shall return to the lectern when the
8 permitted purpose has been accomplished. Counsel shall not leave counsel table to confer
9 with investigators, witnesses, or others while court is in session without the Court's
10 permission.

11 2. Counsel must rise when addressing the Court, and when the Court or
12 the jury enters or leaves the courtroom, unless directed otherwise.

13 3. Counsel must address all remarks to the Court. Counsel must not
14 address the Courtroom Deputy Clerk, the court reporter, persons in the audience, or
15 opposing counsel. Any request to re-read questions or answers shall be addressed to the
16 Court. Counsel must ask the Court's permission to speak with opposing counsel.

17 4. Counsel must not address or refer to witnesses or parties by first names
18 alone, except for witnesses who are below age fourteen (14).

19 5. Counsel must not offer a stipulation unless counsel has conferred with
20 opposing counsel and have verified that the stipulation will be acceptable. Any stipulation
21 of fact will require the defendant's personal concurrence, must be explained to the
22 defendant in advance, must be accompanied by the defendant's signature, and must be
23 submitted to the Court for approval.

24 6. Counsel must not make facial expressions, nod, shake their heads,
25 comment, laugh, snicker, or otherwise exhibit in any way any agreement, disagreement, or
26 other opinion or belief concerning the testimony of a witness or argument by opposing
27 counsel. Nor should counsel engage in personal attacks of opposing counsel. Counsel
28 shall also instruct their clients and witnesses not to engage in such conduct.

1 7. When the trial is not in session, counsel must never speak to jurors
2 under any circumstance, and must not speak to co-counsel, opposing counsel, witnesses,
3 or clients if the conversation can be overheard by jurors. Counsel must instruct their clients
4 and witnesses to avoid such conduct.

5 8. Where a party has more than one lawyer, only one attorney may
6 conduct the direct or cross-examination of a witness or make objections as to that witness,
7 and speak at side bar regarding the witness or objection.

8 9. Bottled water is permitted in the courtroom. Food and other beverages
9 are not permitted. Cell phones must be silenced or may be confiscated.

10 10. Government counsel, when occupying the seats directly in front of the
11 jury box, should minimize any material on their computer screens that is not being
12 displayed as admitted evidence to prevent members of the jury from reading information
13 on their computer screens.

14 **F. Punctuality**

15 1. The Court expects the parties, counsel, and witnesses to be punctual.
16 Once the parties and their counsel are engaged in trial, the trial must be their priority. The
17 Court will not delay progress of the trial or inconvenience jurors.

18 2. If a witness was on the stand at the time of a recess or adjournment, the
19 party that called the witness shall ensure the witness is back on the stand and ready to
20 proceed as soon as trial resumes.

21 3. The parties must notify the Courtroom Deputy Clerk in advance if any
22 party, counsel, or witness requires a reasonable accommodation based on a disability or
23 other reason.

24 4. No presenting party may be without witnesses. If a party's remaining
25 witnesses are not immediately available, thereby causing an unreasonable delay, the Court,
26 in its discretion, may deem that party to have rested.

1 5. The Court generally will accommodate witnesses by permitting them
2 to be called out of sequence. Counsel should meet and confer in advance and make every
3 effort to resolve the matter.

4 **G. Exhibits**

5 1. No exhibit shall be placed before a witness unless a copy has been
6 provided to the Court and opposing counsel. Counsel must keep track of their exhibits and
7 exhibit list, and record when each exhibit has been admitted into evidence.

8 2. Counsel are responsible for any exhibits they secure from the
9 Courtroom Deputy Clerk and must return them before leaving the courtroom.

10 3. Any exhibit not previously marked must be accompanied by a request
11 that it be marked for identification at the time of its first mention. Counsel must show a
12 new exhibit to opposing counsel before the court session in which it is mentioned.

13 4. Counsel must inform the Courtroom Deputy Clerk of any agreements
14 reached regarding any proposed exhibits, as well as those exhibits that may be received
15 into evidence without a motion to admit. When referring to an exhibit, counsel must refer
16 to its exhibit number. Counsel should instruct their witnesses to do the same. Counsel
17 should make every effort to correctly identify for the record the exhibit being referred to
18 and should use specific descriptions when directing witnesses to identify items within the
19 exhibit (i.e., “turning your attention to the bottom right-hand corner of exhibit 1 . . .,” versus
20 “take a look at this right here”).

21 5. Counsel should not ask witnesses to draw charts or diagrams or ask the
22 Court’s permission for a witness to do so. All demonstrative aids must be prepared fully
23 in advance of the day’s trial session. Counsel may, however, ask a witness to circle, mark,
24 or otherwise draw on the monitor located on the witness stand, but should be mindful that
25 such markings cannot be preserved and entered as exhibits.

26 6. Counsel are required to seek to admit any items of evidence whose
27 admissibility has not yet been stipulated to while the witness authenticating the exhibit is
28 on the stand, so that any issues or concerns that arise may be addressed immediately.

1 **VI. SENTENCING**

2 **A. Original Sentencing Proceedings**

3 Once set, the sentencing hearing shall not be continued absent a detailed, substantial
4 showing of good cause. No later than fourteen (14) days before the hearing, each party
5 shall submit either a sentencing memorandum or a written notice of intent not to file one.
6 Before considering any sentencing video, the Court requires counsel to justify its
7 submission, limit the video to less than ten (10) minutes, create a transcript, and provide
8 the video and transcript to opposing counsel at least twenty-one (21) days before the
9 hearing. The Court does not permit sentencing documents to be filed under seal except as
10 strictly necessary and justified. When necessary, a sentencing document may be filed
11 under seal along with a redacted version that deletes the confidential information and that
12 justifies each deletion (e.g., “medical information”).

13 **B. Supervision Violation Proceedings**

14 Any material submitted for a hearing on an alleged or adjudicated violation of
15 supervision shall be filed, when possible, seven (7) days before the hearing, and otherwise
16 no later than two (2) court days before the hearing, absent a showing of good cause set
17 forth in a supporting declaration and court approval.

18 **IT IS SO ORDERED**

19 DATED:

20 _____
21 HON. SHERILYN PEACE GARNETT
22 UNITED STATES DISTRICT JUDGE
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