

**HONORABLE LINDA LOPEZ
UNITED STATES DISTRICT JUDGE
CRIMINAL PRETRIAL & TRIAL PROCEDURES**

I. Court Calendar

Criminal matters will generally be heard on Fridays at 9:00 a.m., unless otherwise scheduled by the Court.

II. Communications with Chambers

A. Letters/Emails. Letters and emails to chambers are prohibited, unless specifically requested by the Court. If letters and/or emails 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. Telephone Calls. Telephone calls to chambers are permitted. For matters other than docketing, scheduling, or calendaring, call chambers at (619) 557-5585, and address your inquiries to Law Clerks. For docketing, scheduling and calendaring matters, call Courtroom Deputy Clerk *Rhea Andrews* at (619) 557-6412 or email her at Rhea_Andrews@casd.uscourts.gov.

C. Requests for Continuances. All requests for continuances should be made as soon as counsel become aware of the need for a continuance by contacting the Courtroom Deputy Clerk at the number above or by email. If counsel stipulate to the continuance, a joint motion should be filed with chambers and a proposed order should be emailed. The joint motion should include the original date, the requested date for continuance (obtained from the Courtroom Deputy Clerk prior to filing), the grounds for continuance and, if applicable, an exclusion of time under the Speedy Trial Act. All motions shall be filed no later than 2 business days prior to the scheduled hearing.

D. Proposed Orders. In accordance with Section 2(h) of the Electronic Case Filing Administrative Policies and Procedures Manual, counsel shall email proposed orders on motions directly to the Judge's official email address, which is [efile Lopez@casd.uscourts.gov](mailto:efile_Lopez@casd.uscourts.gov). Proposed orders should be submitted simultaneously with the motion, no later than 2 days prior to the scheduled hearing. The proposed order must also include a requirement that any defendant on pretrial release sign and file an acknowledgement of the new court date within 48 hours of the continuance motion being granted.

E. Transcripts. Requests for transcripts should be directed to *Jessica Borynack*, Court Reporter, Jessica_Borynack@casd.uscourts.gov.

III. Motions

A. Scheduling a Hearing Date. The magistrate judge will set a date for pretrial motions. Any changes to that date or any other hearing date for motions shall be obtained from the Courtroom Deputy Clerk. Criminal Local Rule 47.1(a). Motions are generally heard on the Court's Friday calendar.

B. Courtesy Copies. Unless otherwise ordered by the Court, for any document which exceeds 20 pages in length (including attachments and exhibits), the filing party must deliver a file-stamped courtesy copy directly to chambers within 24 hours after filing. If a filing has more than three exhibits, the exhibits must be tabbed and listed in a table of exhibits.

C. Notice to Court of Disposition. Any time a case is calendared for motions and counsel for either side knows that a disposition is to take place, counsel has a duty to call or email the Courtroom Deputy Clerk at the earliest available time to inform the Court of the disposition.

IV. Dispositions and Sentencing

A. Dispositions. Generally, Rule 11 guilty pleas may be taken by the magistrate judges on a report and recommendation. Because the magistrate judge may have a more flexible schedule, the Court encourages pleas before the magistrate judge assigned to the case.

B. Immediate Sentencing. Upon request, the Court will proceed with immediate sentencing in certain immigration cases if it has adequate information in the record to perform a meaningful exercise of sentencing authority. Such dispositions are encouraged.

C. Sentencing Materials. The parties are expected to follow Criminal Local Rule 32.1. Additionally, the parties must ensure that their respective Sentencing Guideline recommendations are supported by the record before the Court. Both parties must file a Sentencing Summary Chart. All sentencing documents must be filed the Tuesday before the scheduled sentencing hearing (6 days in advance of the hearing). No party shall submit more than five sentencing exhibits without leave of Court.

V. Trial Procedures

A. Motions *in Limine*. At the pretrial motions date, the Court will generally schedule a hearing date for motions *in limine* in advance of trial. Motions *in limine* are due two weeks before the hearing, with any opposition due one week before the hearing.

B. Jury Instructions. The parties should each submit proposed jury instructions to the Court on the first day of trial, unless otherwise ordered by the Court. Supplemental instructions must be filed and served as soon as the need for them becomes apparent. If counsel request the model Ninth Circuit jury instructions, counsel may list the number of the instruction and edition without citing the text.

The Court prefers to use the Ninth Circuit Criminal Jury Instructions whenever possible. The Court will accept other proposed jury instructions, but counsel must cite the authority supporting the proposed instruction. Any non-model instructions must be submitted to the Court in Word format directly to the Judge's official email address, which is efile_Lopez@casd.uscourts.gov. Any proposed modification of an instruction from statutory

authority or the Ninth Circuit Models must state specifically the modification and the authority supporting the modification.

Before the case is submitted to the jury, the Court will provide each party with the jury instructions the Court intends to use. It is each party's responsibility to carefully review the instructions and make suggestions to the Court if modifications appear necessary.

C. Trial Briefs. Pursuant to Criminal Local Rule 23.1, the parties may, no later than five court days before the date of trial, serve and file briefs on all significant disputed issues of law, including foreseeable procedural and evidentiary issues.

D. Proposed *Voir Dire* Questions and Verdict Forms. Counsel may serve and file proposed *voir dire* questions and forms of verdict on the day set for motions *in limine*.

E. Jury Selection. The Courtroom Deputy Clerk will provide counsel with a numerical list of the jury panel ("strike sheet") at the start of *voir dire*. The Court will conduct the initial jury *voir dire*. The Court will permit follow-up *voir dire* conducted by the attorneys. If *voir dire* by counsel is permitted, ten minutes per side on non-complex cases generally will be allowed.

After the Court and counsel have *voir dired* the panel, counsel may exercise challenges for cause outside the presence of the prospective jurors. The exercise of peremptory challenges will follow. Counsel will exercise their respective challenges by alternating peremptory challenges orally outside the presence of the prospective jurors.

F. Presentation of Evidence. Please abide by the following rules:

Do not enter the well, except during *voir dire*, opening statement and closing argument.

Conduct all examinations of witnesses from the podium.

Feel free to approach witnesses during examination, but first seek permission from the Court. Please keep your visit to the witness stand brief, *e.g.*, by quickly orienting a witness with an exhibit and returning to the podium.

Where a party has more than one lawyer, only one lawyer may conduct the examination of a given witness and that lawyer alone may make objections concerning that witness.

When objecting, state only the legal ground for the objection; *e.g.*, "Objection, hearsay," or "Objection, Rule 802." Speaking objections are not permitted, unless the Court requests further information from counsel.

Refrain from talking to each other in the presence of the jury. If clarification on a matter is needed, please seek clarification from the Court and not directly from counsel.

G. Bench Conferences. Sidebar conferences are disfavored. If counsel desire to speak to the Court outside the jury's presence, counsel may request to do so at the start of a recess or at the end of the day. Requests to see the Court outside the presence of the jury when the Court is about to begin the day of trial or reconvene following a recess generally will not be granted. These matters usually can wait until the next recess.

H. Exhibits. Government counsel must provide a list of exhibits and give it to the Courtroom Deputy Clerk on the first day of trial. All exhibits must be pre-marked on the first day of trial. Exhibit stickers may be obtained from the Clerk of the Court or from the Courtroom Deputy Clerk, in advance of trial.

Before publishing an exhibit to the jury, counsel must either move for admission of the exhibit or allow the Court to inquire whether the opposing side has any objection to publication.

When referring to an exhibit, counsel should refer to its exhibit number whenever possible to keep a complete record.

If an exhibit is being used and counsel's view is obstructed, counsel may relocate for better viewing without requesting permission from the Court.

Pursuant to Local Criminal Rule 1.1(e) and Local Civil rule 79.1, all exhibits will be returned to the party who produced them at the end of trial.