

Judge Thomas J. Whelan

1. **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, Corey Tremble at 619-557-6417 or in the courtroom at 619 557-2677 (no voicemail at this number), for civil matters, call chambers at 557-6625.

**C. Requests for Continuances.**

Judge Whelan does not continue criminal cases by joint motion or stipulation. Criminal cases are continued in open court. A party seeking a continuance of a hearing must notify the Courtroom Deputy at the earliest possible time.

**General Court Information**

Criminal hearings, such as, sentencings, OSC's, dispositions and status hearings are scheduled on Monday's at 9:00 a.m.  
Motion hearings set by the Court are heard on Monday's at 2:00 p.m. A limited number of sentencings are also scheduled Tuesdays at 9:00 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**

Rule 11 guilty pleas may be entered before a Magistrate Judge. Parties are requested to contact Judge Whelan's Courtroom Deputy prior to scheduling a disposition before the Magistrate Judge.

## **TRIAL INFORMATION**

Normal trial hours: Tuesdays through Thursdays: 9:00 a.m. to 12:00 noon & 1:00 p.m. to 4:00 p.m. Fridays: 9:00 a.m. to 1:00 p.m.

In Limine motions are heard the morning of trial prior to the jury impanelment.

Counsel are requested to pre-mark exhibits with plaintiff/government counsel using numbers and defense using letters.

Government counsel shall provide a list of exhibits to the courtroom deputy on the first day of trial.

Jury Selection: The courtroom deputy will provide counsel with a numerical list of the jury panel along with a seating chart. Judge Whelan seats 12 jurors and permits counsel to voir dire after the jurors have answered a short jury questionnaire. Counsel 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.

Where 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.

All trial exhibits are returned to counsel at the conclusion of trial.

If the defendant does not require an interpreter, it is counsel's responsibility to notify the clerk or interpreter section, in advance, 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.