

**HONORABLE DAVID H. BARTICK
U.S. MAGISTRATE JUDGE
CRIMINAL CASE CHAMBERS RULES**

Please Note: The Court provides this information for general guidance to counsel. However, the Court may vary these procedures as appropriate in any case.

I. Communications With Chambers

- A. Letters, faxes, or emails.** Letters, faxes, or emails to chambers are prohibited unless specifically requested by the Court. If letters, faxes, or emails are requested, copies of the same must be simultaneously delivered to all counsel.
- B. Telephone Calls.** Telephone calls concerning criminal matters should be directed to Judge Bartick's Courtroom Deputy, **Angie Everill**. Her telephone number is **(619) 557-6695**.
- C. Lodging Documents.** When an order directs you to "lodge" documents with the Court, you should either send it via email to: efile_Bartick@casd.uscourts.gov, or deliver the document directly to chambers (333 W. Broadway, Suite 1080, San Diego, CA 92101). If the document is more than 20 pages (including exhibits) in length, the document is to be delivered directly to chambers.

II. Criminal Calendar

Criminal calendars are heard on Tuesdays and Thursdays starting at 1:30 p.m., unless otherwise scheduled by the Court. Court will generally be held in Courtroom 1D, on the first floor of the Edward J. Schwartz U.S. Courthouse.

III. Bail Modification Hearings

Absent extraordinary circumstances, bail modifications will not be heard unless calendared in advance and with a minimum of 24 hours notice to the opposing party, the Pretrial Services Office, and the sureties. Parties must provide all documents being relied upon to Judge Bartick's Courtroom Deputy, preferably 24 hours in advance of the hearing.

IV. Bail Stipulations for Change of Conditions

The Court will accept written stipulations for modification of pretrial release and travel requests. Any stipulation or request for modification of any conditions of pretrial release, including travel requests, must contain the following: (1) The party seeking the modification must represent that they have met and conferred with the opposing counsel and the assigned pretrial services officer; (2) The party seeking a modification must then state the respective positions of opposing counsel and the assigned pretrial services officer regarding the modification and state if they have received their consent; (3) A declaration signed by the

surety(ies), if any, must be attached and indicate his/her consent to the specific modification; and (4) If the modification is for travel or other time-sensitive purpose, the stipulation or request must be submitted at least two (2) business days before the requested travel date or time-sensitive event is to occur.

V. Presentation of Bail Documents

Bail documents, in the format approved by the Court, must be presented to Judge Bartick's Courtroom Deputy for review after being reviewed by the U.S. Attorney's Office. The bail documents must include a copy of the Order of Conditions of Release applicable to the defendant in the case.

Material witness bonds must include a notation, in the upper right-hand corner of the bond, of the arraignment date of the material witness. Material witness bonds must also be presented to Judge Bartick's Courtroom Deputy for review.

VI. Nebbia and Surety Examination Hearings

Nebbia and surety examination hearings will only be heard if calendared in advance with no less than 24 hours notice to all parties and the Pretrial Services Office. Defense counsel must provide the Court and the United States Attorney's Office a copy of the proposed bail package, including appraisals, title documents, and other relevant materials, no later than 24 hours in advance of the hearing.

VII. Waiver of Preliminary Hearing Under Fed. R. Crim. P.5.1

A Waiver of Preliminary Hearing must be filed **no later than 48 hours in advance** of the date and time of the preliminary hearing. Example: If the preliminary hearing is set for 3/24/16 at 1:30pm, the waiver must be filed by 1:30pm on 3/22/16. If a waiver is filed after the 48 hour deadline, the matter will not be taken off calendar and all parties will be expected to appear at the scheduled preliminary hearing.