

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

STANDING ORDER IN CRIMINAL CASES BEFORE
CHIEF JUDGE LARRY ALAN BURNS

COMMUNICATION WITH THE COURT

Counsel must not write unauthorized letters to the Court or send the Court copies of letters addressed to others. Authorized communications must be submitted in compliance with the Local Rules, the Federal Rules of Criminal Procedure, and the Federal Rules of Evidence.

Absent unavoidable circumstances, counsel must *personally* initiate any authorized communication with the Court, Chambers Staff, or the Courtroom Deputy, rather than rely on a law clerk, secretary, or paralegal.

Questions regarding procedure for the submission of documents or status of proposed orders should be directed to *Shadi Melvin*, Judicial Assistant, [Shadi Melvin@casd.uscourts.gov](mailto:Shadi.Melvin@casd.uscourts.gov), or telephone (619) 557-5174.

Requests for transcripts should be directed to *Cynthia Ott*, Court Reporter, [Cynthia Ott@casd.uscourts.gov](mailto:Cynthia.Ott@casd.uscourts.gov), or telephone (703) 593-2300.

All other requests or inquiries should be directed to *Tisha Weisbeck*, Courtroom Deputy, [Tisha Weisbeck@casd.uscourts.gov](mailto:Tisha.Weisbeck@casd.uscourts.gov), or telephone (619) 557-6038.

1. **CALENDAR**

The Court regularly hears criminal matters on Mondays at 9:00 AM and 2:00 PM. Requests to place matters on calendar must be made by no later than **noon on the Thursday before** the requested hearing date.

2. **MOTIONS**

a. **General Motions**

All motions, except motions *in limine* and those pertaining to sentencing matters, must be filed no later than **21 calendar days** before the hearing date. Opposition papers must be filed no later than **7 calendar days** before the hearing date.

b. **Motions *in Limine* and Sentencing Materials**

Motions *in limine*, sentencing summary charts, and all other sentencing memoranda must be filed no later than **7 calendar days** before the hearing date. Without leave of the Court, no more than **five** letters of support may be filed in relation to sentencings.

c. **Required Declarations**

Motions to suppress statements and evidence must comply with Crim. L.R. 47.1(g)(1) and (2). Counsel must, **at the time of initial filing**, attach a declaration to the motion, filed under penalty of perjury, setting forth **facts** demonstrating why suppression is warranted. Motions to suppress not supported by factual declarations are subject to summary denial.

d. **Requirement of Timely Filing**

Pleadings should be filed on time. *Applications for Orders Shortening Time are disfavored, and must be supported by a factual declaration signed by counsel setting forth specific good cause for any late filing.* Counsel must also email a proposed Order Shortening Time to efile_burns@casd.uscourts.gov.

If a case that is calendared for a motion hearing is settled, **government counsel** must notify the courtroom deputy at the earliest possible time to request that the motion hearing date be vacated.

e. **Requests to Postpone Scheduled Hearings**

The Court disfavors continuances. A party seeking to postpone a scheduled hearing must file a declaration signed by counsel setting forth specific good cause for the requested postponement. Requests for continuances must be filed at the earliest possible time, but in no event by later than noon **the Thursday before** the scheduled hearing date. Counsel must also email proposed orders for continuance to efile_burns@casd.uscourts.gov.

3. **APPEALS FROM PRETRIAL RELEASE DECISIONS**

Pretrial release decisions and modifications of release conditions are made by the Magistrate Judges. Any Notice of Appeal from a pretrial release decision must be served on the opposing party at least **24 hours before the appeal hearing**. The appealing party must furnish the Court with a transcript of the hearing before the Magistrate Judge.

4. **RULE 11 GUILTY PLEAS**

Unless the parties anticipate immediate sentencing, Rule 11 guilty pleas must be entered before a Magistrate Judge.

5. **TRIAL BRIEFS AND PROPOSED VOIR DIRE QUESTIONS**

If a party chooses to file a trial brief, the brief must efiled in CM/ECF no later than 7 calendar days before trial. A party proposing that specific questions be asked or specific topics be covered during voir dire must make the request in writing 7 days before trial.

6. TRIAL PROCEDURE

a. Timeliness

The Court expects counsel to be on time and witnesses to be available. Absent unforeseeable or extraordinary circumstances, the Court will not delay jury trials or recess a trial early or keep juries waiting because witnesses are not present when needed. Counsel must anticipate the need for witnesses to be available and, if there is any question, discuss it with the Court and opposing counsel. Counsel must promptly alert the Court to any scheduling problems. The Court will attempt to accommodate witnesses' schedules and will generally permit witnesses to testify out of order, if necessary.

b. Exhibits

All exhibits must be pre-marked for identification **before the court session in which the exhibit is to be referred to or offered in evidence**. Exhibits **must be admitted** in evidence before they are displayed to the jury. Once admitted, exhibits may be freely displayed to the jury **without** permission from the Court. Counsel must provide the courtroom deputy with a list of exhibits before trial begins.

c. Sidebar Conferences

The Court strives to make efficient use of jurors' time by starting on time, adhering to the announced schedule (including the length of breaks), and otherwise avoiding unnecessary delays during trial. During jury trials, *the Court discourages sidebar conferences and rarely grants them*. Counsel must raise foreseeable issues that should be considered outside the jury's presence before a court session begins, at the beginning of a recess, during the jury's lunch break, or at the end of the trial day.

d. Jury Instructions

The Court uses Ninth Circuit Model Criminal Jury Instructions, and gives standard instructions in every criminal case. **By the Friday prior to trial**, the government must efile in CM/ECF proposed instructions listing the elements of each charged offense and any non-standard proposed instructions. The defense must also efile, **by the Friday prior to trial**, any non-standard proposed instructions (*e.g.*, theory of the defense). Counsel must also email a copy of proposed instructions to efile_burns@casd.uscourts.gov in Word format.

e. Electronic Equipment and Exhibits

Courtroom technology, listed in the Courtroom Technology section of our general Court website, is available. Parties should call CRD Tisha Weisbeck to schedule a time to test the equipment or prepare their electronic media in advance of trial.

Counsel may also be permitted to bring special or different electronic equipment into the courtroom if they file an ex parte motion no later than the Friday before trial and email a

proposed order to efile_burns@casd.uscourts.gov. The proposed order must itemize the equipment. The order must be presented to the security personnel upon entry to the courthouse.