

**HONORABLE MITCHELL D. DEMBIN
UNITED STATES MAGISTRATE JUDGE
CHAMBERS RULES
CRIMINAL PRETRIAL PROCEDURES**

Please note: The Court provides this information for general guidance to counsel. The Court may vary from these procedures as appropriate in any case.

Local Rules

Except as otherwise provided herein or as specifically ordered by the Court, all parties are expected to strictly comply with the Local Rules of the United States District Court for Southern District of California.

Criminal Calendar

Criminal calendars are heard on Tuesdays and Thursdays at 1:30 PM, unless otherwise scheduled by the Court. Check the calendar for the location of the courtroom. Counsel are expected to be punctual. The Court requires counsel to obtain their client's signature on all essential documents necessary for the hearing to proceed, including waivers of indictment, plea agreements and consent forms, in advance of the hearing. In addition, all original, fully executed plea documents, including the Rule 11 consent form, must be delivered to the Courtroom Deputy (located on the 12th Floor of the Carter Keep Building) no later than 12:00 PM the day of the hearing (unless otherwise directed by the court). In cases in which the defendant will be sentenced by Judge Dembin, the Court requests that all sentencing documents be filed 24 hours in advance of the sentencing hearing.

Bail Modification Hearings (Defendant in Custody)

Absent extraordinary circumstances, oral motions to modify bail conditions will not be heard unless calendared in advance and with at least 24 hours' notice to the opposing party, the Pretrial Services Office, and any sureties. Parties must provide all documents being relied upon

to Judge Dembin's Courtroom Deputy, as soon as practicable in advance of the hearing, preferably 24 hours in advance.

Bail Stipulations (Joint Motions) to Modify Bond Conditions (Defendant on Bond)

The Court will accept written joint motions for modification of bail conditions in all cases in which the defendant is released on bond. The Joint Motion must be signed by both defense and government counsel, the defendant, and must accurately reflect the position of the Pretrial Services Officer supervising the defendant. The Court may grant the requested modification without a hearing. The Court will set a hearing in its discretion otherwise.

Presentation of Bail Documents

Bail documents, in the format approved by the Court, must be presented to Judge Dembin's Courtroom Deputy for review. The bail documents must include, at a minimum, a copy of the Order of Conditions of Release applicable to the defendant, the bail information sheet, the surety addendum(s) and the advice of penalties and sanctions form executed by the defendant, as well as a copy of the receipt of the cash deposit, if required. Material witness bonds must also be presented to the Courtroom Deputy and must include a notation, in the upper right-hand corner of the bond, of the arraignment date of the material witness.

Request to Excuse Defendant's Appearance and/or Continue a Hearing

If a defendant is released on bond and counsel seeks to excuse their appearance at a hearing, counsel must file a written motion on the docket, signed by the defendant, and include an explanation as to why defendant should not be required to attend and submit a proposed order to Judge Dembin's e-file box.

Any requests to continue a hearing must be filed by way of written motion on the docket and must state the reason(s) for the requested

continuance. If the request is not a joint request, the motion must be filed no later than seven (7) days prior to the hearing (unless directed otherwise by the court) in order to allow government counsel time to respond to the request.

Inquiries Regarding Criminal Matters

All inquiries regarding criminal matters shall be directed to Judge Dembin's Courtroom Deputy at (619) 557-5973.