

**HONORABLE WILLIAM V. GALLO
U.S. MAGISTRATE JUDGE
CRIMINAL PRETRIAL PROCEDURES**

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. CRIMINAL CALENDAR

Criminal calendars are heard on Tuesdays and Thursdays at 2:00 PM, unless otherwise scheduled by the Court. Counsel are expected to be punctual and check in with the Courtroom Deputy at least 15 minutes prior to the client's scheduled appearance time.

II. COURT DOCUMENTS

In an effort to expedite the proceedings, all documents requiring a client's signature should be signed, if at all possible, prior to the scheduled appearance in court, such as, but not limited to:

- Waivers of Indictment
- Plea Agreements
- Rule 11 Consent forms
- Consent to be tried by United States Magistrate Judge
- Rule 5 & 5.1 forms

III. BAIL MODIFICATION HEARINGS

Absent extraordinary circumstances, bail modifications will not be heard unless calendared in advance and with 24 hours notice to the opposing party, the Pretrial Services Office, and the sureties.

IV. JOINT MOTIONS AND REQUESTS TO MODIFY BAIL OR CONDITIONS OF RELEASE

The Court will accept joint motions or requests to modify bail or conditions of release. The party seeking the modification must:

- 1) Represent that they have met and conferred with opposing counsel and the assigned pretrial services officer;
- 2) State the respective positions of opposing counsel and the assigned pretrial services officer regarding the modification;
- 3) Attach a declaration signed by the surety(ies), if any, indicating his/her consent to the specific modification; and,
- 4) Attach a copy of the Order of the Conditions of Release; and,
- 5) Provide a proposed Order granting the modification requested.

The Court will hold a bail modification hearing only if the parties or the Court are not in agreement on the requested modification.

If the modification is for travel or other time-sensitive purpose, the joint motion 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 Gallo's Courtroom Deputy for review, prior to being accepted in chambers. 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.

VI. NEBBIA HEARINGS

Nebbia 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, 24 hours in advance of the hearing.

VII. MISDEMEANOR SENTENCINGS

Counsel shall file a sentencing summary chart and/or sentencing memorandum no later than two (2) days before the sentencing hearing or change of plea hearing (if requesting immediate sentencing).

VIII. CHANGE OF PLEA HEARINGS

Upon waiver of Indictment, a change of plea hearing will not be set before Judge Gallo unless and until a signed plea agreement has been tendered to the Assistant United States Attorney assigned to the case.

A copy of the signed plea agreement must be provided to Judge Gallo's Courtroom Deputy by close of business the day before the scheduled change of plea. If not timely submitted, and absent extraordinary circumstances, the change of plea will be taken off-calendar and rescheduled for another day.

IX. INQUIRIES REGARDING CRIMINAL MATTERS

All inquiries regarding criminal matters shall be directed to Judge Gallo's Courtroom Deputy at 619-557-7141.