

Chambers of
Jeffrey T. Miller
United States District Judge

STANDING RULES FOR CRIMINAL MATTERS

These rules are designed to assist attorneys or parties appearing pro se before Judge Miller in criminal matters. They answer many commonly received questions and explain procedures that are specific to Judge Miller's chambers. To reach Judge Miller's Judicial Assistant or one of his law clerks, please call 619-557-6627.

I. General Calendaring Information

A. Criminal matters, including sentencings, motions, revocation proceedings, and status hearings are generally scheduled on *the 1st and 3rd Fridays* of each month, beginning *at 9:00 a.m.*

B. Judge Miller's criminal calendar is set and maintained by his Courtroom Deputy, Gabriela Cazares. Ms. Cazares can be reached at 619-557-7439.

C. When seeking a continuance, counsel should first contact Ms. Cazares. If you are instructed to e-file a joint motion to continue the hearing date, **remember to submit a proposed order simultaneously to efile_miller@casd.uscourts.gov**. Proposed Orders must be submitted in Word Perfect or Word format. Any request must be timely made under the circumstances.

II. Document Submissions

A. Please refer to the Local Rules for a complete list of deadlines and compliance requirements. <http://www.casd.circ9.dcn/index.php?page=local-rules>.

B. ***Motions for Orders Shortening Time are unnecessary!***

C. The Electronic Case Filing Administrative Policies & Procedures Manual can be found on the Court's website at: <http://www.casd.uscourts.gov/cmecf/pdf/CASDPolicies.pdf>. ***Courtesy copies of e-filed documents related to criminal matters need not be submitted unless specifically requested by Judge Miller's Judicial Assistant.***

D. **Sentencing Memoranda and Sentencing Summary Charts** should be filed *5 court days (usually 7 calendar days)* prior to the scheduled hearing. *If they are late, do not file a Motion for an Order Shortening Time.*

E. **Motions** should be filed 14 days prior to the hearing and responses and oppositions should be filed 7 days prior to the hearing.

F. **Letters.** Letters and other ex parte communication to chambers are **prohibited** unless specifically requested by the Court. Copies of correspondence between counsel shall not be sent to the Court. If letters are requested by the Court, copies of the same shall be simultaneously delivered to all counsel. Requested correspondence should be addressed as follows:

Jeffrey T. Miller, United States District Judge
Edward J. Schwartz U.S. Courthouse
940 Front Street, Room 5190
San Diego, California 92101-8917

G. **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. Call chambers at 619-557-6627 for permission to fax a document and to get the fax number.

III. Rule 11 Guilty Pleas

Unless the parties anticipate immediate sentencing, the Court directs **all** Rule 11 guilty pleas to be entered before a magistrate judge.

IV. Trials

1. Trials are generally scheduled Monday through Thursday, 9 a.m. to 12 noon and 1:30 p.m. to 4:30 p.m.

2. Motions *in Limine* may be heard the Friday before the trial is scheduled to begin or the morning of the first day of trial prior to jury impanelment.

3. Trial briefs should be filed no later than 5 calendar days before trial is to commence in cases where there is any significant disputed issue of law, or if a party is requesting that specific questions be asked or specific topics be covered during the Court's voir dire. Proposed voir dire, whether to be asked by counsel or proposed for the Court to ask, must be submitted in written form no later than 7 days prior to commencement of trial.

A. **Jury**

1) Jury Instructions: Judge Miller prefers to use the Ninth Circuit Criminal Jury Instructions when possible. ***Proposed jury instructions should be submitted by both sides no later than 5 calendar days prior to the commencement of trial.***

2) Jury Selection: The courtroom deputy will provide counsel with a numerical list of the jury panel along with a seating chart. Generally, Judge Miller seats 32 prospective jurors and permits counsel to voir dire after the Court's extensive voir dire and jurors have answered a short jury questionnaire. Counsel exercise their peremptory challenges utilizing separate strike sheets.

B. **Exhibits**

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

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

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

C. **Miscellaneous Procedures**

1. 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.

2. If the defendant and/or a witness requires an interpreter, it is counsel's responsibility to notify the interpreter section, in advance, of the need for an interpreter. Counsel shall refrain from using foreign languages on the record in court. The Court Reporter reports only in English.

3. Where a party has more than one lawyer, only one may object during direct or cross-examination of a given witness.