

**HONORABLE RUTH BERMUDEZ MONTENEGRO
U.S. MAGISTRATE JUDGE
CRIMINAL CHAMBER RULES**

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

I. Communications with Chambers and the Clerks' Office

- 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 Montenegro's Courtroom Deputy (CRD), **Erika Flores**. Her telephone number is **(760) 339-4248**.
- C. Lodging Documents.** When an order directs counsel to lodge a document with the Court, the document can be sent via email to: efile_montenegro@casd.uscourts.gov or delivered to the Clerk's Office at 2003 W. Adams Avenue, Suite 140, El Centro, CA 92243.

II. Criminal Calendar

Criminal matters are heard Monday through Friday starting at 10:00 a.m. (morning calendar) and starting at 1:30 p.m. (afternoon calendar), with the exceptions of Wednesdays (afternoon calendar only).

Changes of pleas, detention hearings, and matters requiring an Other Than Spanish (OTS) interpreter, are set at 10:00 a.m., unless otherwise scheduled by the Court.

Counsel are expected to be punctual and check in with the Courtroom Deputy 15 minutes prior to the commencement of the calendar. Counsel should advise the Courtroom Deputy of any scheduling conflicts in advance of the hearing.

III. Presentation of Bail Documents

Bail documents, in the format approved by the Court, shall be presented to Judge Montenegro's CRD in the Clerks' Office for review prior to being accepted in chambers. The bail documents must include a copy of the Order of Conditions of Release as applicable to the defendant in the case.

Material witness bonds must include a notation in the upper right hand corner of the document listing the arraignment date of the material witness. Material witness bonds must also be presented to Judge Montenegro's CRD for review.

IV. Bail Modification Hearings

Bail Modification Hearings, will not be heard unless calendared in advance and with at least 48 hours notice to the opposing party, Pretrial Services Office, and any sureties. Parties must provide all documents relied upon to Judge Montenegro's CRD, preferably 48 hours in advance of the hearing.

V. Bail Stipulations for Change of Conditions

The Court will consider 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.

VI. Nebbia and Surety Examination Hearings

Nebbia and surety examination hearings will only be held if calendared in advance with no less than 48 hours notice to all parties and the assigned Pretrial Services officer. 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 48 hours in advance of the hearing.

VII. Arraignments on Informations

Counsel shall have the written Waiver of Indictment signed by their client prior to the scheduled hearing and shall provide it to the Courtroom Deputy prior to the commencement of the calendar.

VIII. Change of Plea

Changes of Plea will only be heard if calendared 48 hours in advance. Counsel shall have the written consent to Rule 11 Plea form signed by their client prior to the scheduled hearing. Original Plea agreements shall be submitted to Judge Montenegro's CRD 24 hours prior to the hearing. If not timely submitted and absent extraordinary circumstances, the change of plea will be taken off calendar and rescheduled.

IX. Misdemeanor Sentencings

In Class A Misdemeanor case, 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).

X. Waiver of Preliminary Hearing

A Waiver of Preliminary Hearing must be filed no later than 48 hours in advance of the date and time of the preliminary hearing. For example, if the preliminary hearing is set for 3/7/19 at 1:30 p.m., the waiver must be filed by 1:30 p.m. on 3/5/19. If a waiver is filed after the 48 hours deadline, the matter will not be taken off calendar and all parties will be expected to appear at the scheduled preliminary hearing.

XI. Material Witness Motion Hearings

Counsel may appear telephonically for Material Witness motion hearings only if arrangements have been made 48 hours in advance with Judge Montenegro's CRD.