



**UNITED STATES DISTRICT COURT  
Southern District of California**

Ruth Bermudez Montenegro, U.S. Magistrate Judge

**CRIMINAL CHAMBERS 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 Clerk's 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 the Clerk's Office at (760) 339-4242. Please inquire with Judge Montenegro's Courtroom Deputy ("CRD"), **Teresa Romero** at **(760) 339-4248**.
- C. Lodging Documents.** When an order directs counsel to lodge a document with the Court, the document may be sent via email to [efile\\_montenegro@casd.uscourts.gov](mailto: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**

- A. General Criminal Calendar.** Criminal matters are heard Monday through Friday at 10:00 a.m. (morning calendar) and 1:30 p.m. (afternoon calendar), except Wednesdays (afternoon calendar only). Counsel is expected to be punctual and check in with the CRD fifteen (15) minutes prior to commencement of the calendar. Counsel should advise the CRD of any scheduling conflicts in advance of the hearing.
- B. Other-Than-Spanish Language Interpretation.** Changes of pleas, detention hearings, and matters requiring other-than-Spanish language interpretation, are set at 10:00 a.m. unless otherwise scheduled by the Court.
- C. Felony Change of Plea.** Felony Changes of Plea will be heard on Tuesdays, Thursdays and Fridays at 10:00 a.m.

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**III. Presentation of Bail Documents**

Bail documents, in the format approved by the Court, shall be presented to Judge Montenegro's CRD in the Clerk's Office for review prior to being accepted in chambers. 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.

**IV. Bail Hearings**

**A. Calendaring Bail Modification Hearings and Submission of Documents.** Bail Modification Hearings will not be heard unless calendared in advance and with at least two (2) court days' notice to the opposing party, Pretrial Services, and any surety(ies). All documents supporting or opposing bail modification must be provided to Judge Montenegro's CRD two (2) court days in advance of the hearing.

**B 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 modification must: (i) confirm he or she met and conferred with opposing counsel and the assigned pretrial services officer regarding the modification; and (ii) state the respective positions of opposing counsel and the assigned pretrial services officer and whether consent to the modification is given;
- (2) An attached declaration signed by the surety(ies), if any, stating whether the surety consents to the specific modification; and
- (3) If the modification is for travel or another time-sensitive purpose, the stipulation or request must be submitted at least two (2) court days before the requested travel date or time-sensitive event is to occur.

**V. Nebbia and Surety Examination Hearings**

*Nebbia* and surety examination hearings will not be heard unless calendared in advance and with at least two (2) court days' notice to all parties and the assigned Pretrial Services officer. Defense counsel must furnish a copy of the proposed bail package, including appraisals, title documents, and other relevant materials, to the Court and the United States Attorney's Office at least two (2) court days in advance of the hearing.

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**VI. Arraignments on Informations**

Counsel shall have the written Waiver of Indictment signed by his or her client prior to the scheduled arraignment hearing and shall provide it to the CRD prior to commencement of the calendar.

**VII. Change of Plea Hearings**

**A. Calendaring Change of Plea Hearings and Submission of Documents.** Changes of Plea will not be heard unless calendared a minimum of two (2) court days in advance. Counsel shall have the Consent to Rule 11 Plea form signed by his or her client prior to the scheduled hearing. Original plea agreements shall be submitted to Judge Montenegro's CRD twenty-four (24) hours prior to the hearing. Additionally, a courtesy copy of all plea agreements shall be lodged with the Court no later than two (2) court days prior to the hearing. Absent extraordinary circumstances, the change of plea will be taken off calendar and rescheduled if plea agreements are not timely submitted.

**VIII. Misdemeanor Sentencing**

In a Class A Misdemeanor case, counsel shall file a sentencing summary chart and/or sentencing memorandum no later than two (2) court days before the sentencing hearing or change of plea hearing (if requesting immediate sentencing).

**IX. Waiver of Preliminary Hearing**

All parties must appear at a scheduled preliminary hearing. A Waiver of Preliminary Hearing ("Waiver") must be filed no later than two (2) court days in advance of the date and time of the preliminary hearing. For example, if the preliminary hearing is set for March 6, 2020 at 1:30 p.m., the Waiver must be filed by 1:30 p.m. on March 4, 2020. If a Waiver is not timely filed, the preliminary hearing will proceed as scheduled.

**X. Material Witness Motion Hearings**

Counsel may appear telephonically for Material Witness motion hearings only if counsel arranges for telephonic appearance with Judge Montenegro's CRD two (2) court days in advance of the hearing.