

**HONORABLE NITA L. STORMES
U.S. MAGISTRATE JUDGE
CRIMINAL PRETRIAL PROCEDURES**

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

Inquiries on Criminal Matters

Judge Stormes' Courtroom Deputy ("CRD"), George Perrault, handles all inquiries on criminal matters. His telephone number is (619) 557-7749.

The Court's Schedule During Criminal Duty Week

During duty week the Court begins receiving new complaints and warrants in chambers at 9:00 a.m. More specific instructions for agents are posted on the Chambers door. Unless otherwise noted, morning calendar begins at 10:30 a.m. and afternoon calendar begins at 1:30 p.m. Dispositions are sometimes scheduled between 9:30 a.m. and 10:30 a.m.

Criminal Calendar (Non-Duty Weeks)

Criminal calendars on non-duty weeks are scheduled Tuesday and Thursday mornings from 9:30 a.m. until 12:00 noon, unless otherwise noted. Counsel are expected to be punctual and to advise the Court's CRD of any scheduling conflicts in advance of their hearing.

Motions To Modify Bond

Absent extraordinary circumstances, bail modification requests will not be heard unless calendared in advance and with 24 hours notice to the opposing party, Pretrial Services, and the sureties. Any documents to be proffered at the hearing must be provided to the Court's CRD 24 hours in advance of the hearing.

Stipulations (Joint Motions) for Change Of Bond Conditions

The Court will accept written stipulations for modification of bail conditions if they are in the form of a "joint motion" signed by all counsel, the defendant, the bond sureties, and the Pretrial Services Officer supervising the defendant. A copy of the Order of Conditions of Release must be attached to the joint motion and the filing party must submit a separate proposed order for the judge to sign. See CrimLR 1.1(e)(8); CivLR 7.2.

Presentation of Bond Documents

Counsel must present all bond documents in the form approved by the Court to Judge Stormes' CRD for review before bringing them to chambers. See Crim.LR. 46.1 for more information. The bond documents must include a copy of the Court's Order of Conditions of Release applicable to the defendant.

Material Witness bonds must include a notation, in the upper right hand corner of the bond, of the arraignment date and the initials of counsel for the material witness. Material witness bonds must also be presented to Judge Stormes' CRD for review.

Surety Examinations

Surety examinations will be heard only if calendared in advance with no less than 24 hours notice to the Court, all parties and the Pretrial Services Office. Defense counsel must provide the Court's CRD and the United States Attorney's Office with a copy of the proposed bail package, including in the case of a property bond, title documents, appraisals, bank loan statements and other relevant documents, 24 hours in advance of the hearing. With prior approval of the Court, out-of-state sureties may appear by telephone if they are accompanied by a notary to whom they can present a driver's license or other suitable identification.

Sentencing in Misdemeanor Cases

The Court generally requires a Presentence Report and Sentencing Summary Charts in Class A misdemeanor cases. See Crim.L.Rs. 32.1 and 58.2. In petty offense cases (e.g. misdemeanor illegal entry) where the defendant has a criminal history, the court requires a rap sheet prior to sentencing. Requests for immediate sentencing in misdemeanor cases are discretionary with the court.