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**United States District Court
Central District of California
Western Division**

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

Defendant(s).

Case No.:

CRIMINAL MOTION AND TRIAL ORDER

This case is set for trial before the Honorable Virginia A. Phillips, United States District Judge, Courtroom 8A, First Street Courthouse, 350 W. 1st Street, Los Angeles, California 90012.

Motions:

1. Judge Phillips hears motions in criminal cases on Mondays at 9:00 a.m. All pretrial motions, including motions to suppress evidence, motions to bifurcate or sever, motions challenging introduction of Federal Rule of Evidence 404(b) evidence, and motions in limine shall be filed and served on all other counsel in accordance with the requirements of Local Civil Rule 6-1, i.e., at least 28 days before the date set for hearing, if the motion is served electronically or

1 personally on opposing counsel, and served at least 31 days before the scheduled
2 hearing date if not served electronically or personally. Opposition and reply
3 memoranda shall be filed and served in compliance with the requirements of Local
4 Rule 7-9, i.e., no later than 21 days and 14 days before the hearing date,
5 respectively. All motions in limine and other trial-related motions must be noticed
6 properly for hearing no later than the date of the Pretrial Conference. Each side is
7 limited to three (3) motions in limine and each motion shall not be compound, i.e.,
8 each motion shall address only one item of evidence or witness or, if common
9 grounds for exclusion or admission apply to multiple items of evidence or
10 witnesses, only one category of evidence or witnesses. A party seeking to make
11 more than three motions in limine must request leave of court to do so. **A**
12 **conformed chambers copy of all motions, related documents, and exhibits,**
13 **plea agreement(s), sentencing memoranda, and any objections to the**
14 **presentence report must be delivered to the chambers courtesy box located**
15 **outside of the 4th floor Clerk's Office of the First Street Courthouse no later**
16 **than 5:00 p.m. the day after filing. The chambers copy must comply with all**
17 **Local Rules, including Local Rule 11-5.3 regarding formatting.**

18 2. The Pretrial Conference will be conducted at 9:00 a.m. on the
19 Monday eight days before the trial date, _____. (If that
20 Monday is a court holiday, the Pretrial Conference will be conducted at 9:00 a.m.
21 on _____, the Monday fifteen days before the trial date.) All
22 pretrial motions, including any motions in limine, must be filed and noticed timely
23 for hearing no later than the date of the Pretrial Conference.

24 3. Trial is set for _____ at 8:30 a.m.
25
26

1 **Discovery and Notice:**

2 4. Counsel for the Government and counsel for the Defendant(s) shall
3 comply with discovery and notice matters pursuant to Federal Rules of Criminal
4 Procedure 12, 12.1, 12.2, 12.3, 15, and 16.

5
6 **Pretrial Deadlines:**

7 5. Counsel for the Government shall lodge in electronic form with the
8 Court in camera all statements of all witnesses to be called by the Government in
9 its case-in-chief. **The statements shall be lodged at least ten (10) calendar**
10 **days before trial and shall comply with Local Rules regarding text size.**

11 6. The parties must submit joint jury instructions. In order to produce
12 the instructions, the parties shall meet and confer sufficiently in advance of the
13 required submission date with the goal of agreeing upon instructions and verdict
14 forms. The jury instructions shall be submitted as follows: (1) joint jury
15 instructions, i.e., those instructions to which all parties agree; and (2) disputed jury
16 instructions, i.e., those instructions propounded by a party to which another party
17 objects. The party objecting to the disputed instructions must state the reasons for
18 the objection and, if appropriate, provide a proposed alternative instruction with
19 supporting authority, or explain why no instruction on that point is needed. Each
20 requested jury instruction shall be numbered and set forth in full on a separate
21 page, citing the authority for or source of the requested instruction except on the
22 "jury copy" described below.

23 7. An index page shall accompany all jury instructions that are
24 submitted to the Court. The index page shall indicate the following:

- 25 a. The number of the instruction;
26 b. A brief title of the instruction;

- c. The source of the instruction; and
- d. The page number of the instruction.

EXAMPLE:

<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page Number</u>
1	Duty of the Jury	9th Cir. 1.01	1

8. **Jury instructions in the form described in paragraph 6 shall be submitted no later than the Wednesday of the week prior to the Pretrial Conference.** Counsel need only submit proposed substantive instructions. The Court will formulate general instructions based primarily on the format set out in the Manual of Model Criminal Jury Instructions for the District Courts of the Ninth Circuit (2010 Edition).

9. If either side seeks a special verdict, counsel shall follow the procedure set forth in paragraph 6 in order to formulate a joint proposed special verdict form. Counsel shall submit the proposed special verdict form with the proposed jury instructions.

10. Counsel shall submit electronic versions of the proposed jury instructions and the proposed special verdict form (in Word format) to the Court at the following electronic mail address: VAP_Chambers@cacd.uscourts.gov, along with a chambers copy.

11. The Court will send a copy of the jury instructions into the jury room for use by the jury during deliberations (the "jury copy"). Accordingly, in addition to the file copies, an extra set of the proposed instructions shall be submitted to the Court with only the text of the instruction on each page (i.e., no titles, supporting authority, indication of party proposing, etc.).

12. The Court strongly prefers counsel use the instructions from the

1 Manual of Model Criminal Jury Instructions for District Courts in the Ninth Circuit
2 (2010 edition).

3
4 **The Pretrial Conference:**

5 13. Counsel shall be prepared to discuss the following matters with the
6 Court at the Pretrial Conference:

7 a. The witnesses the Government expects to call in its case-in-
8 chief and the amount of time necessary for direct and cross examination for each
9 witness;

10 b. Any anticipated problems in scheduling the witnesses;

11 c. Any evidentiary issues, including problems related to Federal
12 Rule of Evidence 404(b) evidence, anticipated objections under Federal Rule of
13 Evidence 403, and objections to exhibits;

14 d. Jury selections procedures;

15 e. All pretrial motions not heard and decided previously;

16 f. Any disputed jury instructions and the form of the instructions
17 which will be given to the jury at the outset of the case, i.e., before opening
18 statements and presentation of evidence;

19 g. Whether any counsel intends to use any evidence or
20 demonstrative aid in opening statement; and

21 h. Motions to exclude witnesses from the courtroom during trial
22 testimony.

23 14. If counsel for any party needs to arrange for the installation of its own
24 equipment, such as video monitors, tape or compact disk players, notebooks, or
25 overhead projectors, counsel shall notify the Courtroom Deputy Clerk no later than
26 4:00 p.m. two business days before trial so that the necessary arrangements can

1 be made.

2
3 **Requirements for Trial:**

4 15. On the first day of trial, counsel for the Government shall deliver to
5 the Courtroom Deputy Clerk the following documents:

6 a. Three copies of the Government's witness list;

7 b. Three copies of the Government's exhibit list in the form
8 specified by Local Civil Rule 9.9;

9 c. All of the Government's exhibits, with official exhibit tags
10 affixed, bearing the same number as that shown on the exhibit list. Defense
11 counsel need not deliver his/her exhibits to the Courtroom Deputy Clerk on the first
12 day of trial; however, defense counsel is responsible for affixing exhibit tags,
13 complete with the case name and number, to each exhibit to be used in the
14 defense case. Exhibits shall be numbered 1, 2, 3, 4, etc. If an enlargement of an
15 existing exhibit is to be used, counsel shall designate it with the number of the
16 original exhibit followed by an "A." Templates for exhibit tags are available on the
17 Court's website, using form G-014. Counsel for the Government is notified that
18 the Court will order exhibits such as firearms, narcotics, etc. to remain in the
19 custody of the case agent during the pendency of the trial. The case agent will be
20 required to sign the appropriate form to take custody of the exhibits. It shall be the
21 responsibility of the case agent to produce the items for court, secure them at
22 night, and guard them while in the courtroom; and

23 d. A bench book containing a copy of all exhibits that can be
24 reproduced. Counsel for the Government shall mark each exhibit with tabs
25 indicating the exhibit number. Defense counsel shall provide the Court and
26 Government counsel with a copy of the defense exhibits if introduced.

1 **Courtroom Procedures:**

2 16. Counsel shall arrive at the Courtroom not later than 8:30 a.m. each
3 day of trial. The Court reserves the time from 8:30 a.m. to 9:00 a.m. to handle
4 legal and administrative matters outside the presence of the jury. The trial will
5 commence promptly at 9:00 a.m. Counsel shall anticipate matters which may
6 need discussion or hearing outside the presence of the jury and raise them during
7 this period.

8 17. The Court is in session with the jury on Tuesdays through Fridays,
9 9:00 a.m. to 4:30 p.m., with a morning and afternoon break and a lunch recess
10 from approximately 12:00 p.m. to 1:15 p.m.

11 18. All counsel shall observe the following practices:

12 a. All counsel, defendants, and designated case agents shall
13 rise when the jury enters and leaves the Courtroom;

14 b. Counsel shall stand when addressing the Court, including
15 when objecting to opposing counsel's questions;

16 c. When objecting, counsel should state only "objection" and the
17 legal ground for the objection (e.g., hearsay, irrelevant, etc.). Counsel should
18 refrain from arguing the legal basis for the objection unless permission is granted
19 to do so;

20 d. Counsel must seek leave to approach the Courtroom Deputy
21 Clerk or the witness and should question witnesses while standing at the lectern;

22 e. Counsel must address and refer to all witnesses, including
23 their clients, by the witness's surname. Young witnesses, i.e., children younger
24 than age 15 may be addressed by first names, however;

25 f. Counsel shall not discuss the law or argue the case in
26 opening statements;

1 g. Counsel shall address all remarks to the Court and should not
2 address directly the Courtroom Deputy Clerk, the Court Reporter, or opposing
3 counsel. Counsel must ask the Court for permission to talk off the record in order
4 to speak with opposing counsel;

5 h. Counsel shall not make an offer or stipulation unless he or
6 she has conferred with opposing counsel and believes that the stipulation will be
7 accepted. Any stipulation of fact will require the defendant's (or defendants')
8 personal concurrence and shall be submitted to the Court in writing for approval. A
9 proposed stipulation should be explained to the defendant(s) in advance;

10 i. While Court is in session, counsel may not leave the counsel
11 table to confer with investigators, assistants, or witnesses in the back of the
12 Courtroom unless the Court grants permission to do so in advance;

13 j. When a party has more than one lawyer, only one of the
14 lawyers may conduct the examination of a given witness and only that same
15 lawyer may handle objections during the testimony of that witness;

16 k. If a witness was on the stand before a recess or adjournment,
17 counsel shall have the witness back on the stand and ready to proceed when
18 Court resumes; and

19 l. If there is more than a brief delay between witnesses, the
20 Court may deem that the party has rested.

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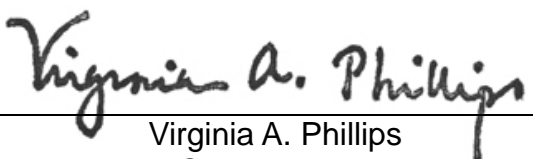
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19. The Court attempts to cooperate with witnesses and will, except in extraordinary circumstances, accommodate them by permitting them to be examined out of sequence. Counsel should discuss any scheduling issues with opposing counsel. If there is an objection, confer with the Court in advance.

IT IS SO ORDERED.

Dated: _____



Virginia A. Phillips
United States District Judge