UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHAPTER III
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CHAPTER III
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III. THE GRAND JURY, THE INDICTMENT, AND THE INFORMATION

F.R.CRIM.P. 6. THE GRAND JURY

F.R.CRIM.P. 7. THE INDICTMENT AND THE INFORMATION

L.Cr.R. 7-1 Indictment or Information - Copies. The United States Attorney shall deliver to the Clerk sufficient copies of the indictment or information so that a copy may be delivered to each defendant and the judge or magistrate judge assigned to the case.

L.Cr.R. 7-2 Superseding Indictment or Information. A superseding indictment or information shall be filed promptly with the Clerk in paper format and assigned the same number as the original indictment or information, followed by the letter (A) for the first superseding indictment or information, (B) for the second, etc.

F.R.CRIM.P. 8. JOINDER OF OFFENSES OR DEFENDANTS

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[1]Federal Rules of Criminal Procedure for which no corresponding Local Criminal Rule has been adopted are listed in *ITALICS*.

F.R.CRIM.P. 9. ARREST WARRANT OR SUMMONS ON AN INDICTMENT OR INFORMATION

L.Cr.R. 9-1 Return of Service. The officer who executes the warrant or serves the summons shall make prompt return thereof and shall include in such return the fact of service of the information or indictment and the time and place of service.

IV. ARRAIGNMENT AND PREPARATION FOR TRIAL

F.R.CRIM.P. 10. ARRAIGNMENT

L.Cr.R. 10-1 Service of Copy of Indictment or Information. A copy of the indictment or information shall be served upon the defendant with the summons or upon execution of a warrant for arrest.

L.Cr.R. 10-2 Duty of Defendant. At arraignment, the defendant shall be informed that if the name by which he is indicted or charged is not his true name, he must then declare his true legal name. The proceedings shall continue against the defendant under the name in the indictment or information, unless the defendant declares a different true name. If the defendant declares a different true name, the Court shall order that the caption of the indictment or information be changed accordingly, and the Court's records shall show the true name of the defendant and the alias name under which the defendant was indicted or charged.

F.R.CRIM.P. 11. PLEAS

F.R.CRIM.P. 12. PLEADINGS AND PRETRIAL MOTIONS

L.Cr.R. 12-1 Motion to Suppress. The following procedures govern a motion to suppress:

L.Cr.R. 12-1.1 Declaration in Support. A motion to suppress shall be supported by a declaration on behalf of the defendant, setting forth all facts then known upon which it is contended the motion should be granted. The declaration shall contain only such facts as would be admissible in evidence and shall show affirmatively that the declarant is competent to testify to the matters stated therein.

L.Cr.R. 12-1.2 Response of Government. Unless otherwise ordered by the Court, the government shall file a response and any declarations in opposition to the motion not later than seven (7) days after service of the motion.

L.Cr.R. 12-1.3 Availability of Declarants. Any declarant in connection with a motion to suppress shall be made available for cross-examination at the hearing of the motion, unless no party desires to cross-examine the declarant. If a party does not desire to cross-examine a declarant, that party shall file and serve a notice to that effect no later than one week before the hearing.

F.R.CRIM.P. 12.1. NOTICE OF AN ALIBI DEFENSE
F.R.CRIM.P. 12.2. NOTICE OF AN INSANITY DEFENSE; MENTAL EXAMINATION
F.R.CRIM.P. 12.3. NOTICE OF A PUBLIC-AUTHORITY DEFENSE
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F.R.CRIM.P. 15. DEPOSITIONS
F.R.CRIM.P. 16. DISCOVERY AND INSPECTION

F.R.CRIM.P. 17. SUBPOENA

L.Cr.R. 17-1 Subpoena - Issuance Under Rule 17(b) - Witness Within the District. Defense counsel shall apply to the Clerk for a witness subpoena under F.R.Crim.P.17(b), when the witness will be served within this District. The Clerk may issue such a subpoena in blank. No subpoena so issued may be served outside of this District. By filling in a subpoena issued in blank, defense counsel represents that counsel believes the defendant is unable to pay the witness fees and that the presence of the witness is necessary to an adequate defense.

L.Cr.R. 17-2 Subpoena - Issuance Under Rule 17(b) - Witness Outside the District. When a witness will be served outside this District, defense counsel shall apply for issuance of a subpoena under F.R.Crim.P.17(b) to the judge or magistrate judge to whom the case is assigned, and defense counsel shall represent that the defendant is unable to pay for the witness fees and that the presence of the witness is necessary to an adequate defense.

L.Cr.R. 17-3 Subpoena - Fees - Private Service. No fee will be allowed for the private service of any subpoena issued by or at the request of defense counsel, except when such private service has been expressly authorized by written order of Court.

L.Cr.R. 17-4 Subpoena - Confidentiality. If a subpoena is issued pursuant to an application under seal, the issuance or service of the subpoena shall not be disclosed to anyone, except as necessary to the Marshal's service, or upon order of the Court.

F.R.CRIM.P. 17.1. PRETRIAL CONFERENCE

V. VENUE

F.R.CRIM.P. 18. PLACE OF PROSECUTION AND TRIAL
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F.R.CRIM.P. 22. (TRANSFERRED)

VI. TRIAL

F.R.CRIM.P. 23. JURY OR NONJURY TRIAL

F.R.CRIM.P. 24. TRIAL JURORS

L.Cr.R. 24-1 Nondisclosure of Jurors' Identity. Neither the Clerk nor any other person having access to the names or addresses of jurors or venire persons in connection with their official duties shall disclose the name or address of any juror or any person summoned for jury duty, except in connection with the summoning or notification of jurors, as certified in vouchers for payment of attendance fees and allowances, where required to do so by applicable law, or upon order of the Court.

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VII. POST-CONVICTION PROCEDURES

F.R.CRIM.P. 32. SENTENCING AND JUDGMENT

L.Cr.R. 32-1 Supervised Release and Probation - General Conditions. All persons placed on supervised release or probation as the result of a judgment of conviction in this Court shall be subject to such general conditions of supervised release or probation as may from time to time be promulgated by General Order.

L.Cr.R. 32-2 Supervised Release and Probation - General Conditions - Duty of Probation Officer. The Probation Officer shall advise each person receiving a supervised release or probationary sentence of the general conditions of supervised release or probation.

L.Cr.R. 32-3 Presentence Investigation ("PSI") Report.

L.Cr.R. 32-3.1 Minimum Custody Cases. The Probation Officer shall make a tentative determination of the Guideline sentencing range as soon as practicable after the case is referred for preparation of the PSI Report. If the probable sentencing range for the offense(s) or conviction is unlikely to exceed 4 - 10 months of imprisonment and the defendant is detained, the Probation Officer shall:

(a) Give priority to the expedited preparation of the PSI Report.

(b) Promptly inform the Court of such determination and of the completion date of the expedited PSI Report so that the Court can determine whether or not the sentencing date should be advanced.

L.Cr.R. 32-3.2 Presentence Investigation Reports. It is the responsibility of counsel to obtain the PSI Report in the Probation Office. The PSI Report shall have endorsed on its cover sheet the

date when telephonic or facsimile notice of the report's availability has been given to the parties. Counsel are required to observe strictly the requirements of F.R.Crim.P. 32 (f) regarding the disclosure and objection to presentence reports.

L.Cr.R. 32-3.3 Counsel's Address Not Within Central District of California. If counsel's address of record is not within the Central District of California, the Probation Officer shall send the PSI Report to such counsel by Express Mail or equivalent overnight service.

L.Cr.R. 32-3.4 Defense Counsel to Provide Defendant with Copy of PSI Report. Promptly after the receipt of the PSI Report, defense counsel shall provide the PSI Report to the defendant for review, and to arrange for an interpreter, if one is needed, to assist in the defendant's review of the report.

L.Cr.R. 32-3.5 Supervised Release and Probation Records. Pre-sentence investigations and reports, supervised release and probation supervision records, and related reports of studies and recommendations are confidential records of this Court.

F.R.CRIM.P. 32.1. REVOKING OR MODIFYING PROBATION OR SUPERVISED RELEASE

L.Cr.R. 32.1-1 Supervised Release and Probation - Arrest of Violator - Duty of Marshal. After taking into custody any person charged with a violation of supervised release or probation, the Marshal shall forthwith give written notice to the United States Attorney, the Probation Officer and the Clerk of the date of such arrest and the place of confinement of the alleged probation violator.

L.Cr.R. 32.1-2 Supervised Release and Probation Violation - Notice to Attorney for Defendant. The Clerk shall promptly inform any attorney of record for an alleged supervised release or probation violator of the arrest of the violator and the place of confinement. If no attorney of record appears or the attorney of record cannot be found, the notice shall be given to the Federal Public Defender.

F.R.CRIM.P. 32.2. CRIMINAL FORFEITURE
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IX. GENERAL PROVISIONS

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F.R.CRIM.P. 45. COMPUTING AND EXTENDING TIME

F.R.CRIM.P. 46. RELEASE FROM CUSTODY; SUPERVISING DETENTION

L.Cr.R. 46-1 Authority of Magistrate Judges. Except as set forth in these rules, any Magistrate Judge has the authority to fix or modify bail, approve or disapprove sureties and bonds, and conduct detention hearings and issue release and detention orders, as provided by 18 U.S.C. § 3142, including with respect to bail or detention recommended or set in another district in a case arising in this or another district.

L.Cr.R. 46-1.1 Death Penalty Case. A Magistrate Judge shall not fix bail or act upon any motion related to bail in any case in which the complaint, information or indictment charges an offense for which the death penalty may be imposed, except upon specific authorization from the Criminal Duty Judge.

L.Cr.R. 46-1.2 Bail Previously Fixed by District Judge [ABROGATED].[2]

L.Cr.R. 46-1.3 Detention Hearing Held After Arraignment. If a defendant arrested on an indictment makes his first appearance before a Magistrate Judge prior to the arraignment, and a detention hearing pursuant to 18 U.S.C. § 3142(f) is continued beyond the time the case is assigned to a District Judge, the Magistrate Judge shall retain the case for determination of the detention or release of the defendant, unless otherwise ordered by the assigned District Judge.

L.Cr.R. 46-1.4 Review by Criminal Duty Judge – Hearing Only If Ordered. No defendant aggrieved by any order of the Magistrate Judge fixing or modifying bail shall have the right to a hearing before the Criminal Duty Judge on such matter and no such hearing shall be calendared before such Judge unless the Criminal Duty Judge has so ordered.

L.Cr.R. 46-2 Modification of Conditions of Bail. Twenty-four (24) hours after bail has been set, a defendant unable to meet the conditions of bail may apply for review and modification of the conditions of bail. For good cause, the Government or the Pretrial Services Agency also may apply to the Court for modification of the conditions of bail.

L.Cr.R. 46-2.1 Written Consent of Surety. Any request for modification of conditions of bail, whether made by motion or by stipulation, must include the written consent of each surety to the proposed modification.

L.Cr.R. 46-3 Methods of Bail. The Court may admit a defendant to bail in any one or more of the following methods:

- Personal recognizance bond
- Appearance bond without surety
- Appearance bond with cash deposit
- Appearance bond with surety (not justified)
- Appearance bond with surety (justified)

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[2]L.Cr.R. 46-1.2 abrogated, effective 6/1/13.

- Cash or other collateral appearance bond
- Corporate surety bond.

Any person admitted to bail shall execute, as principal, a bond for appearance at the time and place designated for appearance before any Magistrate Judge or District Judge of this Court. All bonds except corporate surety bonds shall be on a form approved by the Court and obtained from the Clerk.

L.Cr.R. 46-3.1 Appearance Bond – Surety's Affidavit Where No Justification Required. If the Court requires that a bond be backed by a surety without justification, the surety, by affidavit or declaration under penalty of perjury, shall state:

(a) The surety resides within the Central District of California or, if approved by the Court, that the surety resides elsewhere;

(b) The surety agrees to be bound by the bond and by the provisions of L.Cr.R. 46-6;

(c) The surety will notify the Court and counsel of any change of address.

L.Cr.R. 46-3.2 Appearance Bond – Affidavit by Owner of Cash Security. If the Court requires that a bond be backed by a cash deposit, the depositor, by affidavit or declaration under penalty of perjury, shall state where he resides, and also that:

(a) The depositor is the owner of the cash;

(b) The owner agrees to be bound by the bond and by the provisions of L.Cr.R. 46-6;

(c) The owner will notify the Court and counsel of any change of address.

L.Cr.R. 46-3.3 Appearance Bond – Surety's Affidavit Where Justification Required. If the Court requires that a bond be backed by a surety with justification, the surety, by affidavit or declaration under penalty of perjury, shall state:

(a) The surety resides within the Central District of California or, if approved by the Court, that the surety resides elsewhere;

(b) The surety agrees to be bound by the bond and by the provisions of L.Cr.R. 46-6;

(c) The surety will notify the Court and counsel of any change of address;

(d) The surety owns real property within the State of California or in any other state, if the Court permits property in another state to be used as security;

(e) The property pledged is worth the amount specified in the bond, in excess of the just debts and liabilities of the surety pertaining to the property;

(f) The property is not otherwise exempt from execution;

(g) The following information as to the property pledged, with supporting documentation:

(1) A legal description of the property, together with street address;
(2) The exact form in which title to property is held;
(3) The name and address of each titleholder;
(4) The interest of each titleholder;
(5) The present fair market value of the property;
(6) The encumbrances or liens upon the property and the name and address of each holder of an encumbrance or lien;
(7) The value of the equity after deducting all encumbrances and liens;
(8) The number of bonds or undertakings for bail entered into by defendant that are discharged.

L.Cr.R. 46-3.3.1 Documentation - Deed of Trust. A surety must execute a deed of trust naming the Clerk as beneficiary.

L.Cr.R. 46-3.4 Review of Surety and Documentation by United States Attorney. Any affidavit of surety and any documentation required by this Rule must be presented to the Office of the United States Attorney. Within six (6) office working hours, an attorney employed by that office shall report to the Court approval or disapproval of the documentation presented. If disapproved, the United States Attorney shall specify the reason for disapproval.

L.Cr.R. 46-3.4.1 Disapproval or Failure to Respond by United States Attorney - Hearing. At the request of an aggrieved party, the Court, upon two (2) hours notice to the United States Attorney, shall hold a hearing on the reasons for disapproval or the failure of the United States Attorney to respond.

L.Cr.R. 46-4 Appearance Bonds Under $10,000. Unless a District Judge or a Magistrate Judge specifically requires to the contrary, appearance bonds of $10,000 or less shall be approved if (1) the signature of the surety is executed on the affidavit of surety attached to the bond, and (2) the affidavit of surety sets forth the real or personal property intended for justification, if any, and lists all encumbrances or liens against the property, alleging that the surety is worth the face amount specified in excess of liabilities.

L.Cr.R. 46-5 Corporate Surety - Bond. A corporate surety bond shall be executed by the defendant and authorized attorney-in-fact and shall be substantially in the form and content as approved forms of bonds available in the office of the Clerk. No corporate surety bond shall be accepted or approved by the Court unless the surety meets the conditions of Local Civil Rule 65-4.

L.Cr.R. 46-5.1 Corporate Surety - Statement Upon Filing. A corporate surety shall file a statement setting forth the existence or non-existence of an indemnitor or indemnitors. If an indemnitor is obtained, the corporate surety shall certify in writing that all the responsibilities of indemnity have been explained to the indemnitor and that the indemnitor has acknowledged understanding of those obligations. Among the matters explained shall be:

- If a condition of the bond is breached, the bond must be forfeited;
- The Court is not required to set aside a forfeiture; and
- The indemnitor faces liability for forfeiture, court costs, attorney's fees, and other matters related to the indemnity.

If an alternate method of posting bond is provided, the corporate surety also shall certify it has advised the indemnitor that such an alternative is available and that the indemnitor desires to proceed with a corporate surety, knowing of the alternate method of posting bond.

L.Cr.R. 46-5.2 Corporate Surety - Failure to Comply. If the corporate surety fails to comply with any of the provisions of Local Criminal Rule 46-5.1, the surety shall not be permitted to proceed upon any indemnity and shall be required to return to the indemnitor any security posted, whether the Court orders forfeiture or not.

L.Cr.R. 46-6 Bond - Summary Adjudication of Obligation. A bond or undertaking presented for filing shall contain consent of the principal and surety that, in case of default or contumacy on the part of the principal or surety, the Court, upon ten (10) days notice, may render a judgment summarily in accordance with the obligation undertaken and issue a writ of execution upon such judgment. An indemnitee or party in interest seeking a judgment on a bond or undertaking shall proceed by Motion for Summary Adjudication of Obligation and Execution. Service may be made on a corporate surety as provided in 31 U.S.C. § 9306.

L.Cr.R. 46-7 Bond - Exoneration. Upon completion of the obligations of the defendant, the Court shall order the bond exonerated and the Clerk shall return any monies deposited with the Court to the person or persons making such deposit. No assignment of any monies deposited with the Court shall be recognized, unless filed with the Clerk within ten (10) days of the making thereof. If a deed of trust has been recorded, the Clerk shall deliver a Full Reconveyance upon exoneration.

L.Cr.R. 46-8 Court Officers as Surety. The provisions of Local Civil Rule 65-9 shall apply to all bonds and undertakings in criminal actions.

F.R.CRIM.P. 47. MOTIONS AND SUPPORTING AFFIDAVITS
F.R.CRIM.P. 48. DISMISSAL

F.R.CRIM.P. 49. SERVING AND FILING PAPERS

L.Cr.R. 49-1 Serving and Filing Documents.

L.Cr.R. 49-1.1 Mandatory Electronic Filing in Criminal Cases. Except as provided in L.Cr.R. 49-1.2, all documents filed in criminal cases shall be filed electronically using the Court's CM/ECF System. Sending a document by e-mail does not constitute an electronic filing.

L.Cr.R. 49-1.1.1 Authorization of Electronic Filing. The Clerk will accept, from any filer not exempted under L.Cr.R. 49-1.2(a)(1), documents filed, signed, or verified by electronic means in compliance with this Local Rule. Any such document constitutes a written document for the purposes of applying these Local Rules and the Federal Rules of Criminal Procedure.

L.Cr.R. 49-1.1.2 Applicability of Other Rules. Except as otherwise ordered in accordance with applicable statutes and rules, all Federal Rules of Criminal Procedure and Local Criminal Rules shall continue to apply to criminal cases that are subject to electronic filing.

L.Cr.R. 49-1.1.3 Definitions. The definitions set forth in Local Rule 5-4.1.3 shall apply to this Local Criminal Rule 49-1 and to any cross-reference to Local Rule 5-4 contained in this Local Rule.

L.Cr.R. 49-1.2 Exceptions to Electronic Filing in Criminal Cases. Documents exempted from electronic filing pursuant to one of the subsections listed below shall be presented to the Clerk for filing or lodging in paper format, and shall comply with the requirements of L.R. 11 and all other applicable Local and Federal Rules.

(a) *Exemptions for Particular Filers.* The following filers are exempt from the requirement to file documents electronically:

(1) *Pro Se Litigants.* Unless otherwise ordered by the Court, pro se litigants shall continue to present all documents to the Clerk for filing in paper format. Documents received

by the Clerk from pro se litigants under this rule will be scanned by the Clerk into the CM/ECF System. Once scanned, the original paper documents will be destroyed.

(2) *Other Exceptional Cases Involving Unregistered Filers.* For good cause shown, the Court may grant an exemption from the obligation to file electronically to a filer who is not registered with the Court's CM/ECF. Any such exemption shall not exceed one calendar year, but may be renewed upon good cause shown. If any filer granted such an exemption thereafter registers for the Court's CM/ECF System, that registration shall abrogate any exemption granted under this rule. Documents received by the Clerk under this rule will be scanned by the Clerk into the CM/ECF System. Once scanned, the original paper documents will be destroyed.

(b) *Documents Excluded from Electronic Filing.* The following documents are excluded from the electronic filing requirement of Local Criminal Rule 49-1.1:

(1) *Non-paper or Other Unusual Exhibits.* Non-paper physical exhibits, or paper exhibits the size of which makes it impracticable for them to be scanned into PDF format, shall be filed or lodged with the Clerk in paper or physical format, in accordance with L.R. 11-5.

(2) *Criminal Case-Initiating Documents.* Complaints, indictments, informations, and other case-initiating documents in criminal cases ("Criminal Case-Initiating Documents") shall be filed with the Clerk in paper format rather than electronically, in accordance with the applicable Federal Rules of Criminal Procedure and the Local Criminal Rules of this Court. All Criminal Case-Initiating Documents shall be submitted to the division of the Court to which the case is assigned. All Criminal Case-Initiating Documents shall also be submitted in electronic form (PDF format only) by close of business the following business day. Submission of these documents must be made by e-mail to the criminal

intake e-mail box for the division to which the case is assigned. The intake e-mail box address for each division is indicated on the Court's CM/ECF Website. Attorneys who fail to timely e-mail PDF copies of these documents shall be subject to such sanctions as may be imposed by the Court.

(3) *Under-Seal and In-Camera Documents, and Other Documents Excluded from the Public Case File.* Applications and proposed orders to seal or file in camera, along with the document for which protection is sought, and any documents for which under-seal or in-camera filing is authorized by statute, rule, or prior court order shall be filed in accordance with L.R. 79-5 (unless subject to L.Cr.R. 49-1.2(b)(4)). Other documents excluded from the public case file pursuant to L.Cr.R. 49.1-2 shall not be filed electronically, but shall be filed, if appropriate, as otherwise provided in the Local Rules of this Court, and in accordance with the Federal Rules of Civil and Criminal Procedure.

(4) *Criminal Duty Matters.* The following documents filed in criminal duty matters, before a case is assigned to a district judge, shall be filed with the Clerk in paper format rather than electronically:

(a) Applications for Pen Registers, Search Warrants, Seizure Warrants, Arrest Warrants, Wire Taps, Cell Site Information, Tracking Services, and other such precharging documents;

(b) Bond-Related Documents; and

(c) Under-Seal and In-Camera Documents.

(5) *Other Exceptions.* For good cause shown, the Court may permit a particular document or exhibit to be filed or lodged in paper format, rather than electronically. If permission to file or lodge a document or exhibit in paper format is obtained, the document or exhibit shall

be filed or lodged in compliance with L.R. 11-5. Unless the filer is exempted from electronic filing pursuant to Local Criminal Rule 49-1.2(a), the filer shall first file electronically a Notice of Manual Filing or Lodging describing the document or exhibit being filed or lodged in paper format, and present a copy of the Notice of Manual Filing or Lodging, together with its NEF (see L.R. 5-3.3), with the document to filed or lodged.

L.Cr.R. 49-1.3 General Applicability of Civil Electronic Filing Rules; Exceptions and Supplemental Rules for Criminal Cases.

L.Cr.R. 49-1.3.1 General Applicability of Civil Electronic Filing Rules. Except as provided in Local Criminal Rule 49-1.3.2, any electronically filed document shall comply with the provisions of Local Civil Rule 5-4.3, 5-4.4, 5-4.5, and 5-4.6. All CM/ECF Users shall comply with Local Civil Rule 5-4.8.

L.Cr.R. 49-1.3.2 Special Rules for Criminal Cases.

(a) *Redaction.* It is the responsibility of the filer to ensure full compliance with the redaction requirements of Federal Rule of Criminal Procedure 49.1 and L.Cr.R. 49.1-1.

(b) *Service.* Where service is required by the Federal Rules of Criminal Procedure, service shall be accomplished as set forth in Local Civil Rule 5-3.

(c) *Proposed Orders.* An electronically lodged proposed order shall comply with the requirements of Local Civil Rule 5-4.4, except that, for criminal cases, the subject line of the e-mail transmitting the word-processing version of the proposed order required by Local Civil Rule 5-4.4.2 shall include the defendant's last name and initial of first name as the filer (e.g., for Los Angeles: LA08CR00123-6-ABC-Doe J; for Santa Ana: SA08CR00124-8-DEF-Smith A; for Riverside: ED08CR00125-10-GHI-Jones B).

F.R.CRIM.P. 49.1. PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT

L.Cr.R. 49.1-1 Redaction. It is the responsibility of the filer to ensure full compliance with the redaction requirements of Federal Rule of Criminal Procedure 49.1. In addition, the filer shall ensure that any document that contains a home address shall include only the city and state. This restriction on including full home addresses shall not apply to a filing exempted by Federal Rule of Criminal Procedure 49.1(b); to an under-seal filing as set forth in Federal Rule of Criminal Procedure 49.1(d), (f), or (g); or where the protection of Federal Rule of Criminal Procedure 49.1(h) has been waived with respect to that home address.

Parties shall carefully examine the documents, exhibits, or attachments to be filed with the Court in order to protect any sensitive and private information. The responsibility for redacting or placing under seal protected personal data identifiers rests solely with counsel and the parties. The Clerk will not review any pleadings or documents for compliance.

Counsel and the parties are cautioned that failure to redact or place under seal protected personal data identifiers may subject them to the full disciplinary power of the Court. If a redacted version of the document is filed, counsel shall maintain possession of the unredacted document pending further order of the Court or resolution of the action (including the appeal, if any) and shall, at the request of opposing counsel or parties, provide a copy of the complete document.

L.Cr.R. 49.1-2 Exceptions. The documents listed below are not to be included in the public case file, and are therefore excluded from the redaction requirements of F.R.Crim.P. 49.1 and L.R. 49.1-1:

(1) Unexecuted summonses or warrants, supporting applications, and affidavits;
(2) Pretrial bail reports;
(3) Presentence investigation reports;
(4) Statements of reasons in the judgment of conviction;
(5) Juvenile records;
(6) Documents containing identifying information about jurors or potential jurors;

(7) Financial affidavits filed in seeking representation pursuant to the Criminal Justice Act;
(8) Ex parte requests for authorization of investigative, expert, or other services pursuant to the Criminal Justice Act; and
(9) Sealed documents.

F.R.CRIM.P. 50. PROMPT DISPOSITION

L.Cr.R. 50-1 Assignment of Cases. Criminal cases shall be assigned to the individual calendars of the District Judges or Magistrate Judges (if the case is triable by a Magistrate Judge) as shall be provided by General Order.

L.Cr.R. 50-2 Signing of Orders for Absent Judges. Any motion or request in an action or proceeding (including cases on appeal) shall be made to the judge to whom the case is assigned. If the assigned judge is not available and an emergency necessitates an order, the Clerk shall be consulted to determine whether a judge of this Court has been designated to handle matters in the absence of the assigned judge. If a designation has been made, the application shall be presented to the designated judge. If no designation has been made, then the matter shall be presented to the Criminal Duty judge or, in his or her absence, to any other available judge. If no emergency exists, the application will be held by the Clerk until the assigned judge is available.

L.Cr.R. 50-3 Related Matters in Criminal Cases. Related criminal cases shall be handled as follows:

L.Cr.R. 50-3.1 Notice of Related Cases. It shall be the responsibility of counsel to promptly file a Notice of Related Cases whenever a criminal case previously filed and one or more informations of indictments later filed:

(a) arise out of the same conspiracy, common scheme, transaction, series of transactions or events; or

(b) involve one or more defendants in common, and would entail substantial duplication of labor in pretrial, trial or sentencing proceedings if heard by different judges.

Whenever counsel files a Notice of Related Cases indicating that any one or more of the above circumstances exist, the Clerk shall prepare a proposed transfer order which shall be presented to the transferee judge and processed in the same manner as are related civil cases.

L.Cr.R. 50-3.2 Indictment When Plea Pending. Whenever an information or indictment originating in another District is transferred to this Court pursuant to F.R.Crim.P. 20 and involves a defendant also proceeded against by indictment or information in this District, the Clerk shall directly assign the Rule 20 transferred matter to the calendar of the judge to whom the matter arising in this District is assigned.

If an indictment is returned in this District against a defendant who has a Rule 20 plea pending, the indictment shall be directly assigned to the judge to whom the Rule 20 plea has been assigned.

L.Cr.R. 50-3.3 Indictment or Information Previously Dismissed. Whenever an indictment or information has been dismissed before trial, any new indictment or information involving the same transaction or series of transactions and at least a majority of the same defendants shall be directly assigned to the judge to whom the first indictment or information was assigned.

L.Cr.R. 50-3.4 Notice – Duty of Counsel. The United States Attorney and defense counsel shall call the Court's attention to the existence of related criminal cases. Counsel shall do so by promptly filing and serving in the higher numbered case a Notice of Related Criminal Cases identifying the lower numbered case and setting forth the reasons why counsel believes the cases are related. Whenever practicable, the United States Attorney shall file the notice with the indictment or information and serve it on defense counsel promptly after defense counsel's identity has been ascertained.

F.R.CRIM.P. 51. PRESERVING CLAIMED ERROR
F.R.CRIM.P. 52. HARMLESS AND PLAIN ERROR
F.R.CRIM.P. 53. COURTROOM PHOTOGRAPHING AND BROADCASTING PROHIBITED
F.R.CRIM.P. 54. (TRANSFERRED)
F.R.CRIM.P. 55. RECORDS
F.R.CRIM.P. 56. WHEN COURT IS OPEN

F.R.CRIM.P. 57. DISTRICT COURT RULES

L.Cr.R. 57-1 Applicability of Local Civil Rules. When applicable directly or by analogy, the Local Rules of the Central District of California shall govern the conduct of criminal proceedings before the District Court, unless otherwise specified.

L.Cr.R. 57-2 Duties and Functions of Magistrate Judges. United States Magistrate Judges of this Court are authorized to perform all of the duties and functions prescribed and authorized by 28 U.S.C. § 636, or any other statutes or Federal Rules of Procedure which authorize Magistrate Judges to perform judicial duties or functions, as set forth in General Order No. 05-07, or any successor General Order. Magistrate Judges shall have the inherent power of judicial officers to implement and enforce their own orders and to regulate proceedings before them, to the extent permitted by law.

L.Cr.R. 57-3 Settlement of Complex Cases.

L.Cr.R. 57-3.1 Policy. It is the Court's policy to facilitate the parties' efforts to dispose of complex criminal cases without trial. It is also the Court's policy that the judge assigned to preside over a complex criminal case (the trial judge) may ask if parties desire a settlement conference but shall not participate in facilitating settlement. Participation in settlement conferences under this rule shall be completely voluntary.

L.Cr.R. 57-3.2 Definition. A "complex case" is a criminal case as defined in General Order 08-05 or any successor General Order.

L.Cr.R. 57-3.3 Request for Conference. A settlement conference can be requested only by the attorney for the government and the attorney for the defendant acting jointly. (This rule does not require that all defendants in a multi-defendant case join in the request.)

L.Cr.R. 57-3.3.1 Time of Request. A settlement conference may be requested at any time up to the settlement conference cut-off date established by the trial judge. If no cut-off date is established, a settlement conference request may be made at any time up to twenty-one (21) days before the date scheduled

for the commencement of trial, unless a later request is permitted by the trial judge.

L.Cr.R. 57-3.3.2 Form of Request. The request for a settlement conference shall be in writing and shall be signed by both the attorney for the government and the attorney for the defendant, and the defendant personally. It shall list the dates on which counsel are available for the conference and shall be filed in the case.

L.Cr.R. 57-3.3.3 Response to Request. Upon a timely request for a settlement conference, the trial judge may, at his or her discretion, refer the matter for assignment to a settlement judge.

L.Cr.R. 57-3.3.4 Withdrawal of Request. A request for a settlement conference may be withdrawn unilaterally by any requesting party at any time. A withdrawal shall be in writing, shall be signed by the attorney and shall be filed in the case.

L.Cr.R. 57-3.4 Settlement Judge. The role of the settlement judge shall be limited to facilitating a voluntary settlement between parties in criminal cases. The settlement judge shall not preside over any aspect of the case other than facilitation of a voluntary settlement according to this Rule. All matters related to the case other than settlement shall be handled by the trial judge.

L.Cr.R. 57-3.5 Conduct of Conference

L.Cr.R. 57-3.5.1 Availability of Defendant. The defendant shall not be present during settlement discussions, unless otherwise ordered by the settlement judge. However, the defendant shall be available (a) in the courtroom of the settlement judge, if the defendant is not in custody or (b) in the Marshal's lock-up, if the defendant is under pretrial detention, unless the defendant's availability is waived by the settlement judge.

L.Cr.R. 57-3.5.2 Criminal History. If so requested by either counsel at least ten (10) days before the settlement conference, the probation officer, without order of the Court, shall provide

a summary of the defendant's criminal history to both counsel within seven (7) days of the request.

L.Cr.R. 57-3.5.3 Non-recordation. The settlement conference shall not be reported.

L.Cr.R. 57-3.5.4 Written Agreement. If a settlement is agreed to by both counsel and approved by the defendant, the plea agreement shall be reduced to writing and executed by the parties within three (3) court days from the settlement conference.

L.Cr.R. 57-3.6 Restrictions on Participants

L.Cr.R. 57-3.6.1 Settlement Judge. The settlement judge shall not take a guilty plea from and shall not sentence any defendant in the case. The settlement judge shall not communicate any of the substance of the settlement discussions to the trial judge.

L.Cr.R. 57-3.6.2 Statements Inadmissible at Trial. No statement made by any participant at the settlement conference shall be admissible at the trial of any defendant in the case.

L.Cr.R. 57-3.6.3 Counsel. Neither counsel shall disclose the substance of the settlement discussions or the comments and recommendations of the settlement judge to the trial judge, except as expressly provided for by the terms of the written plea agreement.

L.Cr.R. 57-3.7 Discretion of Trial Judge Unaffected. Nothing in this rule shall be construed to limit in any way the discretion of the trial judge under F.R.Crim.P. 11(c).

F.R.CRIM.P. 58. PETTY OFFENSES AND OTHER MISDEMEANORS

L.Cr.R. 58-1 Authority of Magistrate Judge Over Cases Charging Misdemeanor And Other Petty Offenses. United States Magistrate Judges of this Court are authorized to conduct proceedings in any case charging a misdemeanor or infraction as provided in 18 U.S.C. § 3401, and order a presentence report in any such case pending before a Magistrate Judge.

F.R.CRIM.P. 59. MATTERS BEFORE A MAGISTRATE JUDGE
F.R.CRIM.P. 60. VICTIM'S RIGHTS

F.R.CRIM.P. 61. TITLE

L.Cr.R. 61-1 Short Title. These rules may be cited as the "Local Criminal Rules."

END OF CHAPTER III -
LOCAL CRIMINAL RULES