

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

STANDING ORDER IN CRIMINAL CASES BEFORE
THE HONORABLE LARRY ALAN BURNS

(Revised August 29, 2014)

1. **CALENDAR**

The Court regularly hears criminal matters on Mondays at 9:30 AM and 2:00 PM. Requests to place matters on calendar must be made no later than **noon on the Thursday before** the requested hearing date.

2. **MOTIONS**

a. **General Motions**

All motions, except motions *in limine* and those pertaining to sentencing matters, shall be filed no later than **21 calendar days** before the hearing date. Opposition papers shall be filed no later than **7 calendar days** before the hearing date.

b. **Motions *in Limine* and Sentencing Materials**

Motions *in limine*, sentencing summary charts, and all other sentencing memoranda shall be filed no later than **7 calendar days** before the hearing date. Without leave of the Court, no more than **5** letters of support shall be filed in relation to sentencing.

c. **Required Declarations**

Motions to suppress statements and evidence shall comply with Crim. L.R. 47.1(g)(1) and (2). Counsel shall, **at the time of initial filing**, attach a declaration to the motion, filed under penalty of perjury, setting forth **facts** demonstrating why suppression is warranted. Motions to suppress not supported by factual declarations are subject to summary denial.

d. **Requirement of Timely Filing**

Pleadings should be filed on time. *Applications for Orders Shortening Time are disfavored, and must be supported by a factual declaration signed by counsel setting forth specific good cause for any late filing.* **Counsel shall also submit a proposed Order Shortening Time.**

If a case that is calendared for a motion hearing is settled, **government counsel** shall notify the courtroom deputy at the earliest possible time and request that the motion hearing date be vacated.

e. **Requests to Postpone Scheduled Hearings**

The Court disfavors continuances. A party seeking to postpone a scheduled hearing must file a declaration signed by counsel setting forth specific good cause for the requested postponement. Counsel shall also email a proposed Order Granting the Continuance to efile_burns@casd.uscourts.gov.

Requests for postponement of sentencing hearings for no more than 60 days from the originally scheduled date do not require a written motion. An informal request may be made by contacting Tisha Weisbeck at (619) 557-6038.

All requests for postponement must be made at the earliest possible time, but in no event later than noon the Wednesday before the scheduled hearing date.

3. **APPEALS FROM PRETRIAL RELEASE DECISIONS**

Pretrial release decisions and modifications of release conditions are made by the Magistrate Judges. Any Notice of Appeal from a pretrial release decision must be served on the opposing party at least **24 hours before the appeal hearing**. The appealing party shall furnish the Court with a transcript of the hearing before the Magistrate Judge.

4. **RULE 11 GUILTY PLEAS**

Unless the parties anticipate immediate sentencing, all Rule 11 guilty pleas shall be entered before a Magistrate Judge.

5. TRIAL BRIEFS AND PROPOSED VOIR DIRE QUESTIONS

Parties shall efile trial briefs in CM/ECF no later than **7 calendar days** before trial. A party requesting that specific questions be asked or specific topics be covered during the Court's general voir dire must make the request in writing before trial.

6. TRIAL PROCEDURE

a. Timeliness

The Court expects counsel and witnesses to be on time. Counsel shall anticipate the need for witnesses to be available and, if there is any question, discuss it with the Court and opposing counsel. Counsel shall promptly alert the Court to any scheduling problems. The Court will attempt to accommodate witnesses' schedules and will generally permit witnesses to testify out of order, if necessary.

b. Exhibits

All exhibits must be pre-marked for identification **before** the court session in which the exhibit is to be referred to or offered in evidence. Exhibits must be admitted in evidence before they are displayed to the jury. Counsel shall provide the courtroom deputy with a list of exhibits before trial begins.

c. Sidebar Conferences

The Court strives to use the jurors' time efficiently by starting on time and otherwise avoiding unnecessary delays during trial. To that end, *sidebar conferences are discouraged and are rarely granted.* Where feasible, counsel shall raise issues that should be considered outside the presence of the jury before the court session begins, at the beginning of a recess, during the jury's lunch break, or at the end of the trial day.

d. Jury Instructions

The Court uses Ninth Circuit Model Criminal Jury Instructions, and gives standard instructions in every criminal case. All non-standard proposed instructions (*e.g.*, theory of defense) shall be efiled in CM/ECF before the first day of trial.

7. COMMUNICATION WITH THE COURT OR CHAMBERS

Counsel shall refrain from writing unauthorized letters to the Court or sending to the Court copies of letters addressed to others. Authorized communications shall be formally submitted in compliance with the Local Rules, the Federal Rules of Criminal Procedure, and the Federal Rules of Evidence.

Absent unavoidable circumstances, counsel shall *personally* initiate any authorized communication with the Court or with chambers staff, rather than rely on a law clerk, secretary, or paralegal.

Questions shall be directed as follows:

Requests to meet with the judge in chambers, questions regarding procedures for submission of documents, or follow up on submitted orders or CJA Vouchers, should be directed to ***Roseanna Stovall***, Judicial Assistant, (619) 557-5874.

Requests for transcripts should be directed to ***Debra Henson***, Court Reporter, (619) 238-4538.

All other requests or inquiries, including calendaring matters, should be directed to ***Tisha Weisbeck***, Courtroom Deputy, (619) 557-6038.