

Judge Phyllis J. Hamilton
Courtroom 3, 3rd Floor

Kelly Collins, Courtroom Deputy
(510) 637-1296

STANDING ORDER

Criminal Cases

1. CALENDAR

Criminal matters are heard on Wednesdays -- in custody matters at 1:30 p.m. and out of custody matters at 2:30 p.m.

If either party wishes to have a matter placed on the Court's calendar and if the defendant is in custody, counsel must contact the courtroom deputy **by 1:30 p.m., the day before the defendant is to be transported to court by the U.S. Marshal.**

2. MOTIONS

Except for hearing and briefing dates set by the court, the parties may stipulate to any briefing schedule they wish as long as all briefing is complete at least **7** days in advance of the hearing. In the absence of a stipulation, motions (except those pertaining to sentencing) shall be filed at least **21** days in advance of the hearing date. Opposition briefs shall be filed at least **14** days in advance of the hearing date. Reply briefs shall be filed at least **7** days in advance of the hearing date.

Motions pertaining to sentencing and sentencing memoranda shall be filed at least **7 days** before the date on which Judgment and Sentencing is scheduled. Responses or objections shall be filed at least **5 days** before the date on which Judgment and Sentencing is scheduled.

A courtesy copy of all briefs shall be submitted in accordance with Civil L.R. 5-1(e).

3. CHANGE OF PLEA

Judge Hamilton does not use an Application for Entry of Plea. However, counsel for the government shall deliver a copy of the Plea Agreement to chambers **by 5:00 p.m., the day before the plea is to be entered.** Should the plea not involve a Plea Agreement, counsel for the defendant shall notify the courtroom deputy of the entry of an open plea **by 5:00 p.m., the day before the plea is to be entered.**

4. CONFORMITY WITH LOCAL RULES RE: EVIDENTIARY SUBMISSIONS

All motions and oppositions to motions shall comply with Crim. L.R. 47-2(b), which requires that motions “presenting issues of fact . . . be supported by affidavits or declarations which comply with the requirements of Civil L.R. 7-5.” Civil L.R. 7-5, in turn, requires that “[f]actual contentions made in support of or in opposition to any motion must be supported by an affidavit or declaration and by appropriate references to the record.” Moreover, other evidence in support of or in opposition to any motion “must be appropriately authenticated by an affidavit or declaration.” That rule further requires that affidavits and declarations contain factual contentions only, avoiding conclusions and legal argument, and “conform as much as possible to the requirements of FRCivP 56(e).”