

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

STANDING ORDER FOR CRIMINAL CASES

JUDGE P. CASEY PITTS

(Revised August 30, 2023)

I. CONFORMITY TO RULES

Parties and counsel shall comply with the Federal Rules of Criminal Procedure, the Criminal Local Rules, and the General Orders of the Northern District of California, except as superseded by this Court’s standing orders.

II. COMMUNICATION WITH THE COURT

Parties and counsel shall not engage in any ex parte communication with Judge Pitts or his chambers staff by telephone, facsimile, e-mail, or any other means, unless such contact has been authorized in advance. Parties and counsel may contact Judge Pitts’s Courtroom Deputy Nicole Coleman at (408) 535-5346 or pcpcrd@cand.uscourts.gov with any inquiries regarding scheduling or any other matter.

III. CHAMBERS COPIES

Chambers copies shall not be submitted unless the Court requests them. The Court may at times specifically order the parties to provide digital chambers copies on portable media (e.g., a CD or flash drive). In rare instances, the Court may request paper chambers copies for particularly voluminous filings. If the Court does so, the chambers copies should be double-sided (when possible) and three-hole punched along the left side of the page, and should bear the ECF filing “stamp” (case number, docket number, date, and ECF page number) along the top of the page. All exhibits shall be clearly delineated with labels along the right side. If the filing includes exhibits over two inches thick, the parties shall place the paper chambers copies in a binder. The chambers copies shall be marked “Chambers Copy” and submitted to the Clerk’s Office, in an envelope marked with “Judge Pitts,” the case number, and “Chambers Copy.”

1 **IV. INVITATION TO SELF-IDENTIFY PRONOUNS AND HONORIFICS**

2 If they so choose, litigants and lawyers may indicate their pronouns (e.g., she/her, he/him,
3 they/their) and honorifics (e.g., Mr., Ms., Mx., Dr.) by adding the information in the name block
4 or signature line of the pleadings, by filing a letter on the public docket, or by informing the Court
5 at the start of a hearing.

6 **V. SCHEDULING**

7 Judge Pitts’s criminal law and motion calendar is called on Wednesdays at 10:00 a.m. in
8 Courtroom 8 on the 4th Floor of the Robert F. Peckham Courthouse, located at 280 South First
9 Street, San Jose, CA, 95113.

10 **VI. CHANGE OF PLEA**

11 If a plea is being entered pursuant to a plea agreement, government counsel shall email a
12 copy of the plea agreement to Judge Pitts’s Courtroom Deputy Nicole Coleman at
13 pcpcrd@cand.uscourts.gov by 2:00 p.m. the Monday before the plea is to be entered. If there is to
14 be an open plea, counsel for the defendant shall notify the Court by 2:00 p.m. the Monday before
15 the plea is to be entered.

16 **VII. EXCLUSION OF WITNESSES**

17 Witnesses shall be excluded from the courtroom until their testimony is completed. Parties
18 are ordered to admonish witnesses of the Court’s order. Failure to comply may result in sanctions,
19 including without limitation the striking of the witness’s entire testimony.

20 **VIII. JOINT PRETRIAL CONFERENCE STATEMENTS**

21 Counsel shall comply with Local Rule 17.1-1(b) and file a joint pretrial conference
22 statement not less than seven days prior to the pretrial conference addressing all fifteen issues
23 identified therein. Counsel shall meet and confer in advance on proposed jury instructions, voir
24 dire questions, exhibits, and stipulations, all of which must be attached to their joint pretrial
25 conference statement. Counsel should be prepared to discuss with the Court any anticipated
26 evidentiary objections and any means for shortening and simplifying the trial. Counsel should
27 submit an agreed upon set of additional requested voir dire questions to be posed by the Court.
28 Any voir dire questions on which counsel cannot agree shall be submitted separately.

1 On the same day the pretrial conference statement is due, the government shall serve and
2 file: (1) a proposed jury verdict form; (2) a list of all witnesses who may be called, together with a
3 brief summary of the testimony of each; (3) an exhibit list; and (4) a trial memorandum briefly
4 stating the legal bases for charges and the anticipated evidence, and addressing any evidentiary,
5 procedural, or other anticipated legal issues. To the extent consistent with the defendant’s right to
6 an effective defense, defense counsel shall also serve and file items (2) through (4) above. The
7 parties shall also meet and confer and file a joint statement of the case to be read during voir dire.
8 Any disputes will be resolved at the pretrial conference. The parties must e-mail Word versions of
9 the proposed jury instructions, voir dire questions, and verdict form to pcp@cd.uscourts.gov.

10 **IX. JURY INSTRUCTIONS**

11 The parties must attach to their pretrial conference statement a joint set of jury instructions
12 ordered in logical sequence and accompanied by a table of contents. The parties must use the
13 Ninth Circuit Model Jury Instructions whenever possible. Proposed deviations from the model
14 instructions, no matter how minor, must be clearly identified by redlined or highlighted copy and
15 supported by authority. The Court discourages the unnecessary submission of special instructions
16 or modification of model instructions. Special instructions, if any, must be complete, accurate,
17 balanced, clear, and non-argumentative. Any instruction on which the parties disagree should be
18 marked as “disputed” and in the place where the proposing party believes the instruction should be
19 given. Disputed instructions must be followed by concise argument and authority in support of and
20 against the use of the instruction.

21 **X. OPENING STATEMENTS**

22 Parties must meet and confer to exchange any visuals, graphics, or exhibits to be used in
23 opening statements. Unless otherwise agreed, the exchange must occur no later than the close of
24 business on the Wednesday before trial. Any objections not resolved must be filed in writing by
25 the Thursday before trial. The parties shall be available by telephone on the Friday before trial to
26 discuss the issues raised with the Court.

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

XI. REQUESTS FOR TRANSCRIPTS

If transcripts will be requested during or immediately after the trial, arrangements must be made with the Court Reporter Coordinator at (408) 535-5583 at least one week prior to the commencement of the trial.

XII. INTERPRETERS

Counsel must notify the Court at least 30 days in advance of trial if any witness requires an interpreter and there is no certified court interpreter to translate in the necessary language(s).

XIII. SENTENCING MEMORANDA

Although the parties are not required to file a Sentencing Memorandum, except as set forth in Local Rule 32-5(b), the Court encourages parties to do so. If a party chooses to submit a Sentencing Memorandum to the Court, it must be filed at least seven calendar days before the date on which Judgement and Sentencing is scheduled. Responses to Sentencing Memoranda shall be filed at least five calendar days before the date on which Judgement and Sentencing is scheduled.

IT IS SO ORDERED.

Dated: August 30, 2023



P. CASEY PITTS
United States District Judge