

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

STANDING ORDER - CRIMINAL

Senior U.S. District Judge Sandra Brown Armstrong
Effective October 1, 2018

1. Conformity to Rules. Parties shall follow the Federal Rules of Criminal Procedure, the Criminal Local Rules, and the General Orders of the Northern District of California, except as superseded by these Standing Orders.

2. Schedule.

- a. Criminal calendar is held on the second Wednesday of each month, beginning at 1:00 p.m. Hearings in criminal matters will take place at the U.S. District Court located at 1301 Clay St., Oakland, California. Please consult the calendar for the assigned courtroom.
- b. Trial days are Monday through Friday, from 10:00 a.m. to 3:30 p.m.

3. Criminal Motion Hearing Dates. The Court does not reserve hearing dates. Parties are directed to review the Court’s calendar at <https://cand.uscourts.gov/sba> to determine the next available hearing date. Motions may be reset as the Court’s calendar requires, or may be taken under submission without a hearing. Parties are advised to check the Court’s website to confirm whether their matter is on calendar.

4. Guilty Pleas. At least three days prior to a plea being entered in a criminal case, a copy of the plea agreement *must* be submitted to chambers. All persons pleading guilty must complete an application for permission to enter plea of guilty, which is available on the Court’s website at <https://cand.uscourts.gov/sbaorders>.

5. Supervised Release Revocation and Disposition. The Court hears supervised release revocation and disposition matters in tandem at a single hearing. The parties and the Probation Officer *shall meet and confer* prior to filing their memorandum to determine the grade of the violations, the criminal history category, and the resulting guideline range, as well as to discuss their respective positions regarding revocation and an appropriate disposition. *At least 7 calendar days prior to the hearing*, the Probation Officer shall disclose a copy of the violation memoranda to the parties and lodge a copy with chambers. *At least 7 calendar days prior to the hearing*, the parties shall file their respective sentencing memorandum, addressing both the matter of revocation and an appropriate disposition in the event that supervised release is revoked. The defendant shall indicate which charges, if any, he/she intends to admit at the hearing.

6. Stipulation and Proposed Order for Continuance and Exclusion of Time. In criminal actions, any stipulation and request for a continuance and exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., shall be submitted in accordance with the following:


- a. Prior to submitting any stipulation and request for a continuance and exclusion of time, the parties shall contact the Courtroom Deputy to ascertain whether the date to which the parties desire to continue the matter is available on Judge Armstrong’s calendar.
- b. The submission shall bear the title “STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE AND EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT, 18 U.S.C. § 3161 ET SEQ.”

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

- c. The format of the submission shall be substantially that of a stipulation and proposed order as set forth in Civil L.R. 7-11, with the following modifications and additional provisions:
 - i. Above the parties' signatures, the following shall appear: (a) the statutory provisions providing the legal basis or bases for the continuance and exclusion of time; (b) in substantial detail, the reasons for the continuance and exclusion of time; and (c) a statement that the parties agree that the matter should be continued and time excluded for the statutory reason(s) invoked;
 - ii. Below the signatures, there shall appear the statement "Based on the reasons provided in the stipulation of the parties, the Court hereby FINDS," followed by all findings required to be made by the Court to warrant an exclusion of time under the provision(s) of the Speedy Trial Act invoked. The findings must track the language of the relevant statutory provision(s).
 - iii. Below the findings, there shall appear the statement "Based on these findings, IT IS HEREBY ORDERED THAT," followed by the requested actions. On the next line shall appear: "IT IS SO ORDERED."
 - iv. Below the aforementioned text, there shall appear a signature line for Judge Armstrong.
- d. Any stipulation and request for continuance and exclusion of time shall be lodged with the Court no later than the beginning of the period of time sought to be excluded. **THE COURT WILL NOT EXCLUDE TIME RETROSPECTIVELY.**
- e. Any stipulation and request for continuance and exclusion of time shall be lodged with the Court no later than noon on the day before the hearing or other matter sought to be continued.

7. Chambers Copies. A courtesy copy is required for all filings that necessitate action by the Court, including motions, stipulations and other requests (along with supporting documents). Courtesy copies of proofs of service, notices of appearance, and similar administrative filings are not required. Courtesy copies shall be clearly marked with the case number, judge's initials (SBA), and the designation "Chambers Copy." They shall be submitted to the Clerk's Office within the time prescribed by the Local Rules. Each individual document must be securely bound at the top or side. Exhibits must be tabbed.

IT IS SO ORDERED.


SAUNDRA BROWN ARMSTRONG
Senior United States District Judge