

# LOCAL CRIMINAL RULES



## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA

William B. Guthrie, Clerk of Court  
Effective Date: February 20, 2006

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**LOCAL COURT RULES**

**LOCAL CRIMINAL RULES**

**PREAMBLE**

**AUTHORITY.** These local rules of the United States District Court for the Eastern District of Oklahoma are promulgated under the authority of Title 28, United States Code, Section 2071; Rule 83 of the Federal Rules of Civil Procedure; and Rule 57 of the Federal Rules of Criminal Procedure. These local civil and criminal rules are promulgated to supplement the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure with local court procedure.

**UNIFORM NUMBERING.** The Judicial Conference of the United States has required uniform numbering for all local court rules in conformity with the Federal Rules. They require a “.1” designation be added to the number of the Federal Rule of Civil or Criminal Procedure to indicate that the federal rule is being supplemented by a local civil or criminal court rule. For example, if Fed. R. Civ. P. 4 is being supplemented, the local civil rule is designated LcvR 4.1; or if Fed. R. Crim. P. 5.1 is supplemented, it is designated LCrR 5.1.1.

**James H. Payne, Chief Judge  
Ronald A. White, Judge**

---

**Frank H. Seay, Senior Judge**

---

**Kimberly E. West, Magistrate Judge  
Steven P. Shreder, Magistrate Judge**

---

Effective Date: February 20, 2006

**EASTERN DISTRICT OF OKLAHOMA  
RULES COMMITTEE**

Judge Ronald A. White, Chair  
Magistrate Judge Kimberly E. West  
Michael A. Abel  
Jeff A. Gallant  
Denise Graham  
Teresa A. Campbell  
Teresa Loyd  
Susan Schwebke

---

William B. Guthrie, Clerk  
United States District Court  
Ed Edmondson Federal Building  
101 North Fifth Street, Room 208  
Muskogee, OK 74401  
(918) 684-7920

---

**Counties within the Eastern District of Oklahoma are:**

<b>Adair</b>	<b>Marshall</b>
<b>Atoka</b>	<b>McCurtain</b>
<b>Bryan</b>	<b>McIntosh</b>
<b>Carter</b>	<b>Murray</b>
<b>Cherokee</b>	<b>Muskogee</b>
<b>Choctaw</b>	<b>Okfuskee</b>
<b>Coal</b>	<b>Okmulgee</b>
<b>Haskell</b>	<b>Pittsburg</b>
<b>Hughes</b>	<b>Pontotoc</b>
<b>Johnston</b>	<b>Pushmataha</b>
<b>Latimer</b>	<b>Seminole</b>
<b>LeFlore</b>	<b>Sequoyah</b>
<b>Love</b>	<b>Wagoner</b>

## TABLE OF CONTENTS

LCrR 1.1	SCOPE OF THE RULES .....	Page 1
A.	Title and Citation	
B.	Effective Date	
C.	Scope of the Rules	
D.	Relationship to Prior Rules; Cases Pending on Effective Date	
E.	Judicial Waiver	
LCrR 1.2	APPLICABILITY OF CIVIL RULES .....	Page 1
LCrR 4.1	WARRANTS AND COMPLAINTS .....	Page 2
A.	Sealing	
B.	Filing upon Return	
LCrR 5.1	PRELIMINARY PROCEEDINGS; UNITED STATES MAGISTRATE JUDGES .....	Page 2
A.	General Authorization	
B.	Authorization (Full-Time)	
LCrR 12.1	MOTIONS, APPLICATIONS AND OBJECTIONS .....	Page 4
A.	Motions in Writing	
B.	Concise Brief Required	
C.	Combined Motion and Brief	
D.	Copies of Motions and Briefs	
E.	Notice of Motion Dates	
F.	Time of Filing in Absence of Notice	
G.	Extensions of Time and Continuances	
H.	Scheduling Conflicts	
I.	Motions to Reconsider or Overrule Actions Taken by District Judges or Magistrate Judges of this District in Connection with Ex Parte Applications	
J.	Stay of Release Pending Appeal of Bond Decision	

LCrR 16.1	DISCOVERY AND INSPECTION .....	Page 7
A.	Discovery Conference and Agreement	
LCrR 17.1.1	PRETRIAL CONFERENCE .....	Page 8
A.	Conferences in Criminal Cases	
B.	Stipulations and Exhibits	
LCrR 26.1	LISTS OF WITNESSES AND EXHIBITS AT TRIAL .....	Page 8
A.	List of Witnesses	
B.	List of Trial Exhibits	
C.	Withdrawal of Exhibits	
D.	Photographs for Appeal	
LCrR 32.1	PRESENTENCE REPORT .....	Page 9
A.	Disclosure of Presentence Report	
B.	Responses to Objections to Presentence Report	
C.	Confidentiality of Presentence Report	
LCrR 32.3	SENTENCING CORRESPONDENCE .....	Page 10
LCrR 49.1	FILING BY ELECTRONIC MEANS AND PROOF OF SERVICE ....	Page 11
LCrR 49.2	FORMAT OF PAPERS PRESENTED FOR FILING .....	Page 11
LCrR 49.3	REDACTION OF PERSONAL DATA IDENTIFIERS .....	Page 12
LCrR 53.1	USE OF ELECTRONIC DEVICES, PHOTOGRAPHS OR TAPE RECORDERS .....	Page 14

LCrR 57.1    RELEASE OF INFORMATION BY ATTORNEYS IN CRIMINAL  
              CASES ..... Page 15

- A.    Release of Information or Opinions
- B.    Extrajudicial Statements During Investigation
- C.    Extrajudicial Statements After Investigation
- D.    Statements Permitted
- E.    Extrajudicial Statements During Trial
- F.    Special Situations

LCrR 57.2    PLAN FOR IMPLEMENTING THE CRIMINAL JUSTICE ACT  
              PURSUANT TO 18 U.S.C. § 3006A ..... Page 18

- A.    Criminal Justice Act Plan
- B.    Claims for Compensation
- C.    Withdrawal of Appointed Counsel

LCrR 58.1    FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE ..... Page 19

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

**LOCAL CRIMINAL RULE 1.1**

**SCOPE OF THE RULES**

- A. Title and Citation. These Rules shall be known as the Local Criminal Rules of the United States District Court for the Eastern District of Oklahoma. They may be cited as “LCrR \_\_\_\_.”
- B. Effective Date. These Rules become effective on February 20, 2006.
- C. Scope of the Rules. These Rules shall apply in all proceedings in criminal actions.
- D. Relationship to Prior Rules; Cases Pending on Effective Date. These Rules supersede all previous rules promulgated by this Court, or any Judge of this Court, and they shall govern all applicable proceedings brought in this Court after the effective date. These Rules also shall apply to all proceedings pending on the effective date, except to the extent that in the opinion of the Court the application thereof would not be feasible or would work an injustice.
- E. Judicial Waiver. A Judge may waive any requirement of these Rules when the administration of justice requires such waiver.

**LOCAL CRIMINAL RULE 1.2**

**APPLICABILITY OF CIVIL RULES**

When appropriate in a criminal context, the Local Rules of Civil Procedure are also deemed applicable to criminal cases.

**LOCAL CRIMINAL RULE 4.1**

**WARRANTS AND COMPLAINTS**

- A. Sealing. Upon written application showing good cause, filed documents may be sealed by order of a judge or magistrate judge. Sealed documents, except those filed pursuant to 18 U.S.C. § 3509(d)(2), shall automatically revert to public documents at the defendant's first court appearance. For good cause shown, the sealing of the documents may be extended by the court upon written application.
- B. Filing Upon Return. Pursuant to Rule 41(I), Federal Rules of Criminal Procedure, the Magistrate Judge shall deliver the warrant, the return, the inventory, and all other papers in connection therewith, to the Court Clerk for filing upon return of the warrant.

**LOCAL CRIMINAL RULE 5.1**

**PRELIMINARY PROCEEDINGS**

**UNITED STATES MAGISTRATE JUDGES**

- A. General Authorization. Each Magistrate Judge, including part-time Magistrate Judges, are designated and authorized to perform any function consistent with the Constitution and laws of the United States, including but not limited to:
1. Try persons accused of, and sentence persons convicted of, misdemeanors committed within this district in accordance with 18 U.S.C. § 3401, and order a presentence investigation report on any such person;
  2. Enter bond forfeitures, remissions and judgment on bond forfeitures and exonerations of bonds in proceedings before the Magistrate Judge;



3. Conduct removal proceedings and issue warrants of removal in accordance with Rule 40, Federal Rules of Criminal Procedure;
4. Accept pleas and impose sentences upon the transfer of any information or indictment charging a misdemeanor offense, pursuant to Rule 20, Federal Rules of Criminal Procedure, if the defendant consents in writing to this procedure;
5. Conduct extradition proceedings in accordance with 18 U.S.C. § 3184;
6. Conduct proceedings pursuant to letters rogatory in accordance with 28 U.S.C. § 1782 as a person hereby appointed by the Court;
7. Conduct preliminary hearings; and
8. Accept pleas of guilty in felony cases, with consent of the parties.

B. Authorization. Each full-time Magistrate Judge appointed by this Court is designated and authorized to perform any function consistent with the Constitution and laws of the United States, including but not limited to:

1. Conduct hearings, including evidentiary hearings, and submit to a District Judge of the Court proposed findings of fact and recommendations for the disposition of any motion excepted in 28 U.S.C. § 636(b)(1)(A), of applications for post-trial relief by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement;
2. Conduct pretrial conferences and enter pretrial orders, upon request of a District Judge of the Court;
3. Conduct arraignments in felony criminal cases to the extent of taking “not guilty” pleas upon request of a Judge of the Court and “guilty pleas” upon consent;

4. Impanel and recall the grand jury and receive returns in accordance with Rule 6, Federal Rules of Criminal Procedure;
5. Conduct preliminary hearings on petitions to revoke probationary sentences as requested by a Judge of the Court;
6. Issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum, or other orders necessary to obtain the presence of parties, witnesses or evidence for court proceedings;
7. Accept waivers of indictment pursuant to Rule 7(b), Federal Rules of Criminal Procedure;
8. Conduct hearings on petitions to modify, revoke, or terminate supervised release pursuant to 18 U.S.C. § 3401(1); and
9. Issue findings of fact and recommendations as to disposition of a proposed order of restitution arising under the “Antiterrorism and Effective Death Penalty Act of 1996.”
10. Conduct jury selection in felony criminal cases upon consent.
11. Conduct competency hearings.

#### **LOCAL CRIMINAL RULE 12.1**

#### **MOTIONS, APPLICATIONS AND OBJECTIONS**

- A. **Motions in Writing.** Motions in criminal cases shall be in writing and state with particularity the grounds therefor and the relief or order sought. Each claim for relief must be contained in a separate document. The first page of every motion shall contain a statement as to whether or not opposing counsel objects to the motion.

- B. Concise Brief Required. All motions and responses thereto must be accompanied by a concise brief citing all authorities upon which the movant or respondent relies.
- C. Combined Motion and Brief. The motion and brief may be combined in a single pleading.
- D. Copies of Motions and Briefs. When conventionally filing motions and briefs, the original and two copies of each motion and brief shall be filed with the Court Clerk.
- E. Notice of Motion Dates. In cases where counsel for defendant has made an appearance of record, notice setting a time for the filing of motions and responses thereto may be sent by the Court Clerk.
- F. Time of Filing in Absence of Notice. All motions, including motions in limine, shall be filed with the Court Clerk within such time as the Court may order. Absent such special order, all such motions shall be filed with the Court Clerk within thirteen (13) days after arraignment. The responses shall be filed within five (5) days of the filing of said motions, unless a different time is fixed by statute or the Federal Rules of Criminal Procedure, or the Court orders otherwise.
- G. Extensions of Time and Continuances. The first page of motions for extension of time and motions for continuance shall contain a statement as to whether or not opposing counsel objects to the motion.
- H. Scheduling Conflicts. This Court adopts the General Order In re: Guidelines for Resolving Scheduling Conflicts with Oklahoma Courts, issued by the Tenth Circuit Court of Appeals on May 21, 1998.
- I. Motions to Reconsider or Overrule Actions Taken by District Judges or Magistrate Judges of This District in Connection with Ex Parte Applications. Once a motion or application has

been presented and an order entered by a Judge or Magistrate Judge sitting in this district, any request to reconsider or overrule such determination shall be presented to the Judge or Magistrate Judge entering the order, if available. If presented to a different Judge or Magistrate Judge, the movant or applicant shall make known the action taken by the Judge or Magistrate Judge to whom it was previously submitted. This provision is intended to apply to such matters as applications for search warrants, wiretaps, pen registers, and other such applications or motions which are made to a Judge or Magistrate Judge without a case having been filed. It is not a means to appeal an order entered in a case, nor is it intended to apply where a case is transferred from one Judge to another and a motion to reconsider a prior ruling is made.

- J. Stay of Release Pending Appeal of Bond Decision. At the conclusion of a bond hearing pursuant to 18 U.S.C. § 3142 in which a Magistrate Judge has set a bond which will result in release of a defendant if the conditions of the bond are met, an announcement in open court by the prosecutor that the government intends to appeal the bond to a District Judge shall result in an immediate stay of the bond set by the Magistrate Judge. Such stay shall continue until 5:00 p.m. that day, or in the event the bond is set in open court after 5:00 p.m., until 9:30 a.m. the morning of the following business day, unless the prosecutor shall file an “Appeal of Magistrate Judge’s Order” with the Court Clerk, upon which the stay shall become permanent unless and until it is lifted by a District Judge. The “Appeal of Magistrate Judge’s Order” may be summary in form and need not be typed, but it shall be filed on or before the close of the business day following the day the bond was set by the filing of a detailed factual statement, in proper form, setting forth the grounds of appeal.

**LOCAL CRIMINAL RULE 16.1**

**DISCOVERY AND INSPECTION**

A. Discovery Conference and Agreement.

1. The parties are expected to complete discovery themselves and the necessity of filing discovery motions is eliminated except when disputes arise. Discovery orders are hereby eliminated except when irreconcilable disputes arise. The Court shall not hear any such motion unless counsel for the movant certifies in writing to the Court that the opposing attorneys have conferred in good faith and have been unable to resolve the dispute. It is anticipated that the Government will provide discovery to the Defendant contemporaneously with the arraignment. Additionally, at the arraignment, counsel for the Government should be prepared to announce the status of discovery on the record. To further encourage early, voluntary and complete discovery, the parties shall confer and file a Disclosure Agreement Checklist (Exhibit A to these Rules) no later than the deadline for filing pretrial motions under LCrR 12.1(F).
2. If the Disclosure Agreement Checklist indicates that a party intends to disclose, but does not currently possess, certain listed information, that party must disclose the information as soon as practicable.
3. If the Disclosure Agreement Checklist indicates that a party refuses to disclose information, the other party may file motions regarding the undisclosed information within six (6) days after filing of the checklist.

4. Filing of the Disclosure Agreement Checklist does not preclude a party from filing motions relating to information not listed in the checklist.
5. Continuing Duty to Disclose. The parties have a continuing duty to disclose promptly to opposing counsel all newly discovered information the party is required to disclose or has agreed to disclose in the Disclosure Agreement Checklist.

#### **LOCAL CRIMINAL RULE 17.1.1**

##### **PRETRIAL CONFERENCE**

- A. Conferences In Criminal Cases. Pretrial conferences may be held in criminal cases for the purpose of considering such matters as will promote a fair and expeditious trial.
- B. Stipulations and Exhibits. Consistent with the applicable Federal Rules of Criminal Procedure, and whenever it can be done without violating or jeopardizing the constitutional rights of the defendant in any criminal case, stipulations should be made at or prior to the pretrial conference with respect to the undisputed facts and the authenticity of documents. Each instrument which either party anticipates may be offered into evidence by either side should be marked with an exhibit number prior to the trial.

#### **LOCAL CRIMINAL RULE 26.1**

##### **LISTS OF WITNESSES AND EXHIBITS AT TRIAL**

- A. List of Witnesses. At the commencement of the trial, unless otherwise ordered, counsel shall submit to the presiding Judge, the courtroom deputy clerk, and the court reporter, a typewritten list of the witnesses they expect to call, including known rebuttal witnesses. In cases involving treason or other capital offenses, the three-day provision of 18 U.S.C. § 3432 shall apply, unless otherwise ordered.

- B. List of Trial Exhibits. At the commencement of a trial, unless otherwise ordered, counsel shall submit to the presiding Judge, the courtroom deputy clerk, and the court reporter a typewritten list of the exhibits they plan to introduce, designated by trial exhibit numbers.
- C. Withdrawal of Exhibits. Unless otherwise ordered by the Court, all exhibits introduced in evidence in the trial of the case shall be withdrawn at the close of trial and remain in the custody of the party introducing the evidence. The Court may order the party introducing exhibits that are bulky, heavy, or are firearms or controlled substances to retain custody of such exhibits during the trial. Any such order shall provide for preservation of the exhibit as justice may require.
- D. Photographs for Appeal. Exhibits, diagrams, charts and drawings on a blackboard may, under the supervision of the Court, be photographed for use on appeal or otherwise.

**LOCAL CRIMINAL RULE 32.1**

**PRESENTENCE REPORT**

- A. Disclosure of Presentence Report. The presentence report shall be deemed to have been disclosed (a) when a copy of the report is sent via electronic means to counsel of record, or (b) when a copy of the report is physically delivered, or (c) one day after the report's availability for inspection is orally communicated, or (d) three days after a copy of the report or notice of its availability is mailed.
- B. Responses to Objections to Presentence Report. If objections are submitted to the U.S. Probation Office by either counsel for the government or counsel for the defendant, the opposing counsel shall respond in writing to those objections within five days. Those responses shall be submitted to the U.S. Probation Office to be made a permanent attachment

to the Presentence Report, and shall not be filed with the United States Court Clerk, in order to preserve the confidentiality of the Presentence Report. After receiving counsel's objections and responses from opposing counsel, the Probation Officer shall conduct any further investigation and make any revisions to the Presentence Report as may be necessary.

- C. Confidentiality of Presentence Report. The pretrial services, presentence and probation reports maintained by the probation office of this Court are hereby declared to be confidential except as otherwise authorized. Correspondence to the United States Probation Office or to the Court, relative to a charged defendant, shall also be deemed confidential and shall not be released publicly except upon order of the Court.

### **LOCAL CRIMINAL RULE 32.3**

#### **SENTENCING CORRESPONDENCE**

Attorneys for all parties shall arrange to have written correspondence on behalf of defendants, victims, or other interested parties, which is submitted for the Court's consideration at sentencing, sent to the Court through the probation office. Upon receipt of such materials, the probation office shall ensure through counsel that all parties have copies of such correspondence prior to sentencing. Any written correspondence sent directly to the Court pertinent to a defendant pending sentencing should also be made available to counsel of record prior to sentencing. Any correspondence received by the Court or the probation office shall be treated in the same manner as the presentence report, and shall not be released to third parties without approval of the Court. Further, any such correspondence shall not be filed of record. An inadvertent failure to supply such correspondence to counsel shall not be a basis for resentencing except to correct a manifest injustice.



Further, in exceptional situations, the Court may determine that certain correspondence involves security or privacy concerns which require the correspondence to be placed under seal and not be furnished to the parties, subject to the provisions of Federal Rules of Criminal Procedure 32.

**LOCAL CRIMINAL RULE 49.1**

**FILING BY ELECTRONIC MEANS AND PROOF OF SERVICE**

Pursuant to Rule 49(d) of the Federal Rules of Criminal Procedure, the Clerk will accept papers filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. Any paper filed by electronic means pursuant to these rules constitutes a written paper for the purposes of applying these rules and the Federal Rules of Criminal Procedure. Papers filed by electronic means shall be governed by the Court's CM/ECF Administrative Guide of Policies and Procedures (ECF Policy Manual) and orders of the Court.

Pursuant to Federal Rule of Criminal Procedure 49(b), receipt of the Notice of Electronic Filing generated by the Court's Electronic Case Filing System shall constitute the equivalent of service of the paper identified in the notice on persons who have consented to electronic service and who have waived their right to service by personal service or first class mail.

**LOCAL CRIMINAL RULE 49.2**

**FORMAT OF PAPERS PRESENTED FOR FILING**

- A. All papers presented to the Clerk for filing by electronic means or in paper form shall be double-spaced, if typewritten, using only one side of the paper and a paper size of 8 ½ inches wide by 11 inches long. Each page shall be double-spaced in a font or typeface that contains

no more than 12 characters per inch, except for quoted material, and numbered consecutively. All papers shall be clearly legible.

- B. Papers presented to the Clerk in paper form for conversion and filing in electronic form shall not be stapled or permanently bound.
- C. Papers that are required by the Court to be retained or filed in paper form as set forth in the ECF Policy Manual shall be stapled or otherwise semi-permanently fastened at the top of the page without the use of paper clips, binder clips, or rubber bands. If the document is too large to staple, it should be two-hole punched at the top and secured with metal prongs. Unless otherwise stated in these local rules, all papers presented to the Clerk for filing in paper form shall consist of an original and two copies.

### **LOCAL CRIMINAL RULE 49.3**

#### **REDACTION OF PERSONAL DATA IDENTIFIERS**

In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002 (Pub. L. 107-347, which was enacted on December 17, 2002), and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

- **Social Security Numbers (in civil and criminal cases).** If an individual's Social Security number must be included in a pleading, only the last four digits of that number shall be used.

- **Names of Minor Children (in civil and criminal cases).** If the involvement of a minor child must be mentioned, only the initials of that child shall be used.
- **Dates of Birth (in civil and criminal cases).** If an individual's date of birth must be included in a pleading, only the year shall be used.
- **Financial Account Numbers (in civil and criminal cases).** If financial account numbers are relevant, only the last four digits of these numbers shall be used.
- **Home Addresses (in criminal cases only).** If a home address must be included, only the city and state shall be used.

**The responsibility for redacting these personal data identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this general rule.**

In addition, parties may refrain from including, or may partially redact where inclusion is necessary, the following confidential information: personal identifying numbers such as driver's license numbers; medical records; employment history; individual financial information; proprietary or trade secret information; information regarding an individual's cooperation with the government; information regarding the victim of any criminal activity; national security information; and sensitive security information as described in 49 U.S.C. 114(s).

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers or other confidential information listed above may:

- File an unredacted version of the document under seal, which shall be retained by the court as part of the record; **or**
- File a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing.

All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. The reference list shall be retained by the court as part of the record. The Court may, however, still require the party to file a redacted copy of the document for the public file.

**LOCAL CRIMINAL RULE 53.1**

**USE OF ELECTRONIC DEVICES, PHOTOGRAPHS OR TAPE RECORDERS**

The taking of photographs and operation of tape recorders and radio or television broadcasting in the courthouse or its environs during the progress of, or in connection with judicial proceedings, including proceedings before a Magistrate Judge, whether or not court is actually in session, are prohibited unless prior leave is granted by the Court.

The Court prohibits use of cellular telephones, pagers, or other electronic communication devices in the courtroom. A Judge may, however, permit (1) the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record; (2) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings; and (3) the use of personal computers by attorneys.

As used in this Rule, the term “environs” means any place within the Ed Edmondson Federal Building in Muskogee, Oklahoma, or any other place in this district where federal criminal proceedings are being conducted.

## **LOCAL CRIMINAL RULE 57.1**

### **RELEASE OF INFORMATION BY ATTORNEYS IN CRIMINAL CASES**

- A. **Release of Information or Opinions.** It is the duty of the lawyers or law firm not to release, or authorize the release of, information or opinions which a reasonable person would expect to be disseminated by any means of public communication in connection with pending or imminent criminal litigation with which a lawyer or law firm is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.
- B. **Extrajudicial Statements During Investigation.** With respect to a grand jury or other pending investigation of any criminal matter, a lawyer participating in, or associated with, the investigation shall refrain from making any extrajudicial statement which a reasonable person would expect to be disseminated, by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.
- C. **Extrajudicial Statements After Investigation.** From the time of arrest, issuance of an arrest warrant, or the filing of a complaint, information, or indictment in any criminal matter, until the commencement of trial or disposition without trial, a lawyer or law firm associated with the prosecution or defense shall not release, or authorize the release of, any extrajudicial statement which a reasonable person would expect to be disseminated by any means of public communication, relating to that matter and concerning:

1. The prior criminal record (including arrests, indictments, or other charges of crime) or the character or reputation of the accused, except that the lawyer or law firm may make a factual statement of the accused's name, age, residence, occupation, and family status and, if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in apprehension of the accused or to warn the public of any dangers the accused may present;
2. The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;
3. The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;
4. The identity, testimony, or credibility of prospective witnesses, except that the lawyer or law firm may announce the identity of the victim if the announcement is not otherwise prohibited by law;
5. The possibility of a plea of guilty to the offense charged or a lesser offense; or
6. Any opinion as to the accused's guilt or innocence, or as to the merits of the case, or the evidence in the case.

D. Statements Permitted. The foregoing shall not be construed to preclude the lawyer or law firm during this period, in the proper discharge of the lawyer's or the law firm's official or professional obligations, from: (1) announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons); (2) announcing the identity of the investigating and arresting officer or agency, and the length of the investigation; (3) announcing at the time of seizure of any physical evidence other than a confession, admission

or statement, a description of the evidence seized; (4) disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; (5) quoting or referring without comment to public records of the Court in the case; (6) announcing the scheduling or result of any stage in the judicial process; (7) requesting assistance in obtaining evidence; or (8) announcing without further comment that the accused denies the charges made against him or her.

E. Extrajudicial Statements During Trial. During a jury trial of any criminal matter, including the period of selection of the jury, no lawyer or law firm associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview relating to the trial, the parties, or the issues in the trial which a reasonable person would expect to be disseminated by means of public communication, if there is a reasonable likelihood that such dissemination will interfere with a fair trial, except that the lawyer or law firm may quote from, or refer without comment to, public records of the Court in the case.

F. Special Situations. Nothing in this Rule is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against him or her.

**LOCAL CRIMINAL RULE 57.2**

**PLAN FOR IMPLEMENTING THE CRIMINAL JUSTICE ACT**

**PURSUANT TO 18 U.S.C. § 3006A**

- A. Criminal Justice Act Plan. A Federal Public Defender organization, supervised by a Federal Public Defender, shall assist in the administration of the Court's Criminal Justice Act Plan and maintain a register of eligible attorneys. The Plan for Implementing the Criminal Justice Act is on file in the Court Clerk's office.
- B. Claims for Compensation. All Criminal Justice Act (CJA) vouchers shall be submitted within thirty (30) days after a case is dismissed or after a defendant is sentenced. Any voucher submitted beyond thirty (30) days and less than one (1) year after the case is dismissed or after a defendant is sentenced shall be accompanied by a letter demonstrating good cause why the voucher should be paid. Any application, letter or vouchers submitted more than one (1) year after the case is dismissed or after a defendant is sentenced shall be summarily denied.
- C. Withdrawal of Appointed Counsel. Prior to sentencing, withdrawal of appointed counsel shall be by leave of this Court upon written application. After sentencing, appointed counsel shall continue to represent appellant until relieved by the United States Court of Appeals for the Tenth Circuit.

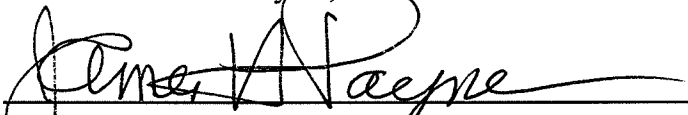


**LOCAL CRIMINAL RULE 58.1**

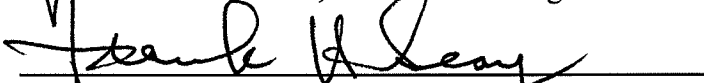
**FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE**


As provided in Fed.R.Crim.P. 58(d)(1), a person who is charged with a petty offense as defined in 18 U.S.C. § 19 may, in lieu of appearance, post collateral in the amount indicated for the offense, waive appearance before a Magistrate Judge, and consent to forfeiture of collateral. The offenses for which collateral may be posted and forfeited in lieu of appearance by the person charged, together with the amounts of collateral to be posted, are contained in a written schedule approved by the Court and on file with the Court Clerk.

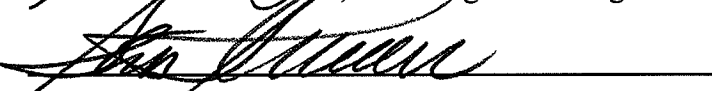
ADOPTED by the Judges of this Court effective February 20, 2006.

  
\_\_\_\_\_  
JAMES H. PAYNE, Chief Judge

  
\_\_\_\_\_  
RONALD A. WHITE, U.S. District Judge

  
\_\_\_\_\_  
FRANK H. SEAY, Senior U.S. District Judge

  
\_\_\_\_\_  
KIMBERLY E. WEST, U.S. Magistrate Judge

  
\_\_\_\_\_  
STEVEN P. SHREDER, U.S. Magistrate Judge

ATTEST:

  
\_\_\_\_\_  
WILLIAM B. GUTHRIE, Court Clerk

<b>PARTIES' DISCLOSURE AGREEMENT CHECKLIST</b>									
	Disclosed		Will Disclose Upon Receipt		Refuse to Disclose		Not Applicable		Comments
	Gov't	Def	Gov't	Def	Gov't	Def	Gov't	Def	
Police/Agent Reports									
Rule 12(b)(4) material									
Intercepted communications (18 U.S.C. § 2510, consensual)									
Rule 16 material:									
Defendant statement									
Defendant record									
Documents									
Tangible objects									
Examination/test reports									
Experts									
FRE 404(b) material									
Immigration file									
Eyewitness ID (lineup, show up, photo spread)									
Exculpatory material (Brady)									
Impeachment material ( <i>Giglio, Napue</i> , FRE 608, 609)									
Witness statements (Rule 26.2, 18 U.S.C. § 3500)									
Guideline calculation material (U.S.S.G. § 6B1.2)									
Other matters:									

\_\_\_\_\_  
**Assistant U.S. Attorney**

\_\_\_\_\_  
**Defendant's Attorney**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

**"EXHIBIT A"**