

Criminal Trials

The Court uses 1-2 alternate jurors in criminal cases. The defendant is allowed ten peremptory challenges while the Government is allowed six peremptory challenges. The Court does not require the submission of briefs in criminal trials, but they are helpful and the Court will accept them. The Court generally urges the Government to disclose *Jencks* materials in advance of trial. The Court does not currently have a general procedure for handling multi-defendant criminal "mega trials" or allocating peremptory challenges in multi-defendant criminal trials.

Upon motion and for good cause shown, the Court will permit jury questionnaires to be submitted to the venire in advance of jury selection for counsels' use in exercising preemptions and challenges for cause. A pass of the challenge is considered an exercise, and challenges may not be saved up to be exercised at the end. Typically, disputes between the Government and defense counsel regarding proposed jury instructions are first resolved in a conference and then the Court goes on the record. The Court follows the same procedure relative to jury selection in both criminal and civil trials.

The Court discourages bench conferences during trial. Pretrial conferences and arraignments on information are pretrial matters that are typically referred to a Magistrate Judge. If a defendant under indictment is arrested on the Court's bench warrant for an alleged bond violation, the defendant should be brought up to the Presiding Judge if the Court is unavailable. The Court's clerk should be consulted to determine whether another Judicial Officer should conduct the bond revocation hearing. The Court enforces its Standing Order regarding discovery and motion cutoff dates.