



JUDGE MARINA GARCIA MARMOLEJO

United States Courthouse
1300 Victoria St. Ste. 2267
Laredo, TX 78040
(956) 726-2209

Angie Trevino Case Manager
United States District Clerk
1300 Victoria St. STE. 2267
Laredo, TX 78040
(956) 790-1364

CRIMINAL COURT PROCEDURES

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Note: This is helpful information. Consult Local Rules

1. **CONTACT WITH COURT PERSONNEL**

- A. This Court does not conduct *ex parte* meetings with attorneys concerning case-related matters or matters involving the conduct of attorneys. Case-related inquiries, limited to procedural matters, are to be made to the Case Manager only. **Inquiries should not be made to the Court's secretary or law clerks.**
- B. Courtesy copies of documents filed less than three (3) days prior to a Court setting **must** be delivered to Chambers after originals are filed with the Clerk of the Court.
- C. Information about the filing of documents, entry of orders, or docket entries should be obtained from the Clerk's office at (956) 723-3542 for criminal matters.
- D. Correspondence
 - 1. Substantive issues shall not be addressed in letter form because letters are not docketed or included in the appellate record.
 - 2. Case-related correspondence must be addressed to:

United States District Clerk
1300 Victoria Ste. 1131
Laredo, TX 78040

2. **EMERGENCIES**

- A. Counsel should contact the Case Manager at (956) 790-1364 for matters requiring immediate attention.
- B. **A copy of emergency motions must be sent directly to Chambers unless they have been filed electronically. Counsel should bring the matter to the Court's attention promptly.**

3. **CONTINUANCES**

- A. Joint motions for continuances will be granted only at the Court's discretion.
- B. Trial will not be continued because an expert or other witness is unavailable. Counsel should anticipate such possibilities and be prepared to present testimony by written deposition, videotaped deposition, or by stipulation.

4. **MOTION PRACTICE**

- A. Motions must contain a certificate that opposing counsel was consulted but no agreement could be reached.

- B. Non-opposition to a motion must be indicated prominently in the caption.
- C. If an evidentiary hearing is necessary, counsel should notify the Case Manager in advance. Exhibit and witness lists (the originals and **THREE (3)** copies of each) will be provided to the Court at the hearing.
- D. Motions to Suppress must be plead with specificity and not filed solely for discovery. They must otherwise be in compliance with the local rules. Motions not in conformity therewith will be struck.
- E. All Motions to Dismiss, Motions to Sever, and Motions for Separate Trial must be specific and brought to the Court's attention at least thirty (30) days before jury selection.
- F. The Court will not grant a motion to blankly adopt another party's motion and such should not be filed.
- G. Dispositive motions in criminal cases will be considered by the United States District Judge or may be heard by the Magistrate Judge as requested by the Court.

5. **ELECTRONIC FILING**

Special Procedures Related to Electronic Filings

- A. Nearly all cases filed in this District must be filed through the Electronic Case Filing System (ECF). Correspondence shall not be filed electronically.
- B. Electronic filings shall be in accordance with Administrative Procedures for Electronic Filing in Civil and Criminal Cases. Answers to frequently asked questions regarding electronic filing may be obtained here.
- C. Leave of Court is required for the conventional filing of documents greater than 50 pages in length. Such documents should be filed electronically when possible.

6. **OBJECTIONS TO THE PRE-SENTENCE REPORT(PSR)**

- A. Objections to Pre-Sentence Investigation Reports must also be filed electronically. Upon disclosure of the PSR, Counsel must file objections within 14 days of disclosure. If additional time is required counsel may request up to 5 working days from the probation office without filling a formal motion with the Court. If additional time is needed, a motion for leave to file untimely objections should be immediately filed.

Timeliness: The Court admonishes counsel that failure to file objections on time will result in a show cause hearing where counsel will be asked to explain why the Court's deadline could not be met and why a motion for continuance was

not filed. While late filed objections will not be held against Defendants, the Court may impose monetary sanctions against counsel for not complying with the rules.

7. **TRIALS**

- A. Counsel must provide their typed exhibit and witness list (the originals and **THREE (3)** copies of each) for ALL trials and hearings. See attached forms.
- B. The Court generally holds one trial docket call each month. This docket call is the final pretrial conference.
- C. All pending motions may be ruled on at docket call. Guilty pleas may be taken at that time.
- D. Re-arraignments:
 - 1. The Magistrate Judge may conduct re-arraignments in felony cases as requested by the Court.

8. **JURY TRIALS**

- A. Jury selection is generally scheduled to occur during the third week of each month. Unless an attorney has commenced trial in another court, prior trial settings will not cause a case to be continued. The Magistrate Judge may conduct voir dire as requested by the Court with the consent of the parties.
- B. The Court will conduct the principal examination of the venire. Counsel will be generally allowed 15-25 minutes (depending on the complexity of the case) to conduct an examination of the venire.
- C. Counsel must file an original and one copy of any proposed voir dire questions and proposed jury instructions (captioned, signed by counsel, and with service certificate). Each proposed voir dire question must be in question form.
- D. The jury instructions must be simple and concise. Each requested instruction must be numbered and presented on a separate sheet of paper with the citation of authority upon which counsel rely. Jury instructions need not be submitted in electronic format, unless otherwise instructed by the Court. If so instructed, a copy of the jury instructions must be submitted in Microsoft Word format on CD.

9. **EXHIBITS**

- A. All exhibits must be marked and exchanged among counsel prior to trial. The offering party will mark each of his own exhibits with the party's name, case number, and exhibit number.

- B. The Court will admit all exhibits without objection into evidence as the first order of business. Sensitive exhibits (e.g., weapons, drugs, and money) will remain in the custody of the government agent throughout the proceedings.
- C. Counsel will not pass exhibits to the jury during trial without obtaining permission in advance from the Court. All admitted exhibits will go to the jury during its deliberations.
- D. Counsel for each party is required to provide the Court with two copies of that party's exhibits in a properly tabbed and indexed notebook.
- E. Disposition of Exhibits Following Trial:
 - 1. Exhibits that are not easily stored in a file folder (e.g., posters, parts, or models) must be withdrawn after the completion of the trial and reduced reproductions or photographs substituted.
 - 2. If there is no appeal, exhibits will be removed by the offering party within thirty (30) days after the time for appeal has elapsed.
 - 3. When there is an appeal, exhibits returned by the Court of Appeals will be removed by the offering party within ten (10) days after written notice from the clerk.
 - 4. Exhibits not removed will be disposed of by the clerk, and the expenses incurred will be taxed against the offering party.

10. EQUIPMENT

- A. Counsel are responsible for providing any equipment necessary to facilitate opening/closing arguments. If counsel plans to bring equipment to trial, he or she must inform the Case Manager so arrangements can be made to accommodate security.
- B. Easels with writing pads, drawing boards, and a visualizer are available for use in the courtroom. Equipment is available for videotapes or CD-ROM's.
- C. The visualizer (ELMO) is available for projecting letter-sized documents (or smaller), including pictures, to the bench, counsel table, the witness box, and the jurors.
- D. A desktop computer is available to view pictures that are in the JPEG format. Please contact the Case Manager before trial begins to use equipment.
- E. Internet Service is not available.
- F. The Court will not provide a printer.

G. Devices for auditory assistance are available for the hearing impaired.

11. **COURTROOM PROCEDURES**

A. Hours: The Court will generally convene for trial at 8:30 a.m. and adjourn at 5:30 p.m., recessing for lunch between 12:00 p.m. and 1:30 p.m.

B. Access at Other Times: Counsel requesting access to the courtroom to set up equipment or exhibits before or after normal hours of Court must make arrangements in advance with the Case Manager.

C. Telephones: Telephone messages for counsel will **NOT** be taken by the Court's staff, and counsel shall refrain from requesting use of telephones in chambers.

D. Filing Documents: The original and **ONE** copy of documents filed immediately prior to and during the trial should be submitted to the Case Manager.

E. Decorum:

1. Attorneys are required to wear standard business attire. Counsel and parties will comply with Local Rule 57.2 and Appendix C regarding courtroom behavior. These procedures are strictly enforced.
2. Counsel will ensure that all parties and witnesses refrain from chewing gum, drinking, eating, smoking, or reading newspapers, books, etc., in the courtroom. No cellular telephones, pagers or iPads are allowed in the courtroom. Attorneys needing to use computers or iPads during trial must seek prior approval. Recording equipment and photographic mechanisms are strictly prohibited.

F. Witnesses:

1. Counsel are responsible for summoning witnesses into the courtroom and instructing them on courtroom decorum and attire. Counsel may question witnesses while standing at the podium or seated at Counsel table.
2. Counsel must obtain the Court's permission before approaching a witness.
3. Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and to avoid cumulative testimony.
4. Counsel should bear in mind the Court's hours and arrange for witnesses accordingly. The Court will not recess to permit counsel to call a missing witness unless he or she has been subpoenaed and has failed to appear.

5. **Mode of Order of Interrogation and Presentation:** A party will be allowed to conduct a direct examination of its witnesses to be followed by cross-examination by opposing counsel. Interrogation will conclude with a re-direct examination which is limited by the scope of cross-examination. *Absent extraordinary circumstances, the Court will not allow "re-cross" or "re-re-direct."*

- G. Deliberations: While the jury is deliberating, counsel are to remain near the courtroom to be available for jury notes or a verdict.

12. **ATTACHMENTS**

1. TEMPLATE EXHIBIT LIST
2. TEMPLATE WITNESS LIST

UNITED STATES DISTRICT COURT



SOUTHERN DISTRICT OF TEXAS

LAREDO DIVISION

UNITED STATES OF AMERICA

VERSUS - - - - -

CRIMINAL NO.

EXHIBIT LIST

JUDGE MARINA GARCIA MARMOLEJO

CASE MANAGER: ANGIE TREVINO

LIST OF

GOVERNMENT

DEFENDANT

PROCEEDING

DATE (S):

No.	DESCRIPTION	OBJ	ADM	NOT ADM	DATE
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UNITED STATES DISTRICT COURT

☆ SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO.

VERSUS - - - - -

WITNESS LIST

JUDGE MARINA GARCIA MARMOLEJO

CASE MANAGER: ANGIE TREVIÑO

LIST OF

PROCEEDING

DATE (S):

GOVERNMENT

DEFENDANT

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