

OCT 2 1979

JOE M. ROMANE, Clerk  
By: \_\_\_\_\_ Deputy

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

In the Matter of the )  
Local Rules for the )  
Western District of Washington )

ORDER

The local rules for the Western District of Washington  
are hereby amended by adopting new Criminal Rules as follows:

CrR 5

NOTICE OF ARREST

(a) Notice of Arrest of Parole Violators. As soon as  
practicable after taking into custody any person charged with  
a violation of parole, the United States Marshal shall give  
written notice to the Chief Probation Officer of the date of  
arrest and the place of confinement of the alleged violator.

(b) Notice of Arrest of Probation Violators. As soon  
as practicable after taking into custody any person charged  
with a violation of probation, the United States Marshal  
shall give written notice to the Chief Probation Officer, the  
United States Attorney, and the United States Magistrate in  
Tacoma or Seattle.

(c) Notice of Arrest by Federal Agencies and Others.  
It shall be the duty of the United States Marshal to require

ORDER - 1

1 all federal agencies and others who arrest or hold any person  
2 as a federal prisoner in this district, and all jailers who  
3 incarcerate any such person in any jail or place of confine-  
4 ment in this district, to give the United States Marshal  
5 notice of such arrest or incarceration forthwith.

6 As soon as practicable after receiving notice or other  
7 knowledge of any such arrest or incarceration anywhere  
8 within the district, the Marshal shall give written notice to  
9 the United States Magistrate in Seattle or Tacoma and the  
10 United States Attorney of the date of the arrest and the  
11 prisoner's place of confinement.

12 CrR 5.1

13 PRELIMINARY EXAMINATION

14 (c) Recordings

15 (1) Upon application by a party, the Magistrate  
16 shall make the recording of the preliminary examination  
17 available, together with suitable playback equipment, at some  
18 place under his control, for the party's information in  
19 connection with any further hearing or in connection with his  
20 preparation for trial.

21 (2) Applications for preparation of transcripts of  
22 preliminary examinations shall be addressed to the Court or a  
23 Judge thereof, and shall state specifically why access to the  
24 recording is insufficient for the party's needs.

25 CrR 6

26 THE GRAND JURY

27 (a) through (d) Reserved

28 (e) Recording of Proceedings

29 All grand jury proceedings, except when the grand jury is  
30 deliberating or voting, shall be recorded stenographically  
31 or by an electronic recording device. An unintentional

32 ORDER - 2

1 failure of any recording to reproduce all or any portion of a  
2 proceeding shall not affect the validity of the prosecution.  
3 The recording or reporter's notes or any transcript prepared  
4 therefrom shall remain in the custody of the attorney for the  
5 government unless otherwise ordered by the court in a  
6 particular case.

7 CrR 12

8 PLEADINGS AND MOTIONS BEFORE TRIAL

9 (a) and (b) Reserved

10 (c) Motions

11 (1) Time for motions. At the time of arraignment  
12 the Court shall set a date for the filing of pretrial motions.  
13 No motion may be filed subsequent to that date except upon  
14 leave of Court for good cause shown or upon written stipula-  
15 tion of the parties.

16 (2) Time for responses to motions. Responses to  
17 pretrial motions shall be filed within one week after filing  
18 of the motion, unless the time allowed is extended by the  
19 Court or by written stipulation of the parties.

20 (3) Obligation of counsel to file memoranda of  
21 authorities. Counsel for the moving party shall serve and  
22 file with any motion a memorandum of authorities in support  
23 of the motion. Opposing counsel shall serve and file a  
24 memorandum of authorities in opposition to the motion.  
25 Failure by counsel to file a memorandum of authorities may be  
26 deemed by the Court to be an admission that the motion,  
27 or the opposition to the motion, as the case may be, is  
28 without merit.

29 (4) Need for evidentiary hearing. Each motion and  
30 response shall state whether an evidentiary hearing is  
31 necessary.

32 ORDER - 3

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  
29  
30  
31  
32

(5) Time for hearing and for ruling. Pretrial hearings shall be conducted as soon after arraignment as is practicable, and the Court shall rule on such motions as soon after the hearings as is practicable.

ORDER - 3A

SUBPOENA

(a) Reserved

(b) Subpoenas requested by counsel appointed under the Criminal Justice Act.

(1) The Clerk of the Court shall issue subpoenas, signed but otherwise in blank, to counsel appointed under the Criminal Justice Act as implemented by Rule CrR 44. No subpoena so issued may be served outside the boundaries of this District. The filling in of any such subpoena by defense counsel shall constitute his certification that the subpoena is necessary to obtain relevant and material testimony and that the witness' attendance is reasonably necessary to the defense of the charge.

(2) If a witness is to be subpoenaed outside the boundaries of this district, an ex parte application for issuance of a subpoena shall be made to the appropriate Court or Magistrate.

(3) Defense counsel may request service of subpoenas under this rule by the United States Marshal. The Marshal shall serve such subpoenas in the same manner as in other cases and the name and address of the person served shall not be disclosed without prior authorization of defense counsel. No fee will be allowed for private service of any subpoena issued under this rule unless express advance authorization is obtained by written order of the Court.

(4) As authorized by Rule 17(b) of the Federal Rules of Criminal Procedure, the Court orders that the costs for service of process and payment of witness fees for each witness subpoenaed under the rule, shall be paid in the same manner in which similar costs and fees are paid in case of a

1 witness subpoenaed on behalf of the government.

2 CrR 17.1

3 DELETED

4 CrR 18

5 PLACE OF PROSECUTION AND TRIAL

6 The place of trial shall be the courtroom regularly  
7 assigned to the judge handling the case, unless otherwise  
8 ordered. A party wishing trial at some other place within  
9 the district or elsewhere shall move for the same within  
10 the time allowed for filing pretrial motions under these  
11 rules.

12 CrR 22

13 TIME OF MOTION TO TRANSFER

14 A motion for change of venue under Rule 21, Fed. R.  
15 Crim. P., shall be made within the time allowed for filing  
16 pretrial motions under these rules.

17 CrR 26

18 TAKING OF TESTIMONY

19 (a) Procedure at Trial

20 (1) In the trial the United States shall open the  
21 cause by stating generally what it expects to prove. Each  
22 defendant shall either then, or after the United States has  
23 closed its evidence in chief, state generally what he expects  
24 to prove. After all the evidence on each side is in, the  
25 United States shall argue the cause to the Court or jury,  
26 as the case may be, and shall, during such argument, state  
27 fully all of its points and refer to all of its authorities,  
28 or by precluded from a reply. Each defendant shall then argue  
29 his case, and the United States shall close.

30 (2) Unless otherwise permitted by the Court,  
31 counsel shall conduct the examination of witnesses and

32 ORDER - 5

1 argument to the Court or jury from the lectern, and counsel  
2 shall rise upon making objections or otherwise addressing  
3 the Court.

4 (b) Examination of Witnesses

5 On the trial of an issue of fact only one attorney for  
6 each party shall examine or cross-examine any witness unless  
7 otherwise ordered by the Court.

8 CrR 32

9 SENTENCE AND JUDGMENT

10 (a)(1) Reserved

11 (a)(2) In each case in which the Court has advised a  
12 defendant of his right to appeal, defense counsel is  
13 obligated to file a notice of appeal, or file a notice of  
14 decision not to appeal. A notice of the decision not to  
15 appeal shall recite that the defendant has been advised of  
16 his right to appeal, and waives the same. It shall be  
17 witnessed by defense counsel and filed within ten (10) days  
18 of entry of judgment.

19 (b) Reserved

20 (c)(1) If a defendant desires preparation of a pre-  
21 sentence report and its review by the Court prior to entry  
22 of a guilty plea or acceptance of a plea agreement by the  
23 Court, he shall obtain from the Clerk request and waiver  
24 forms and execute the same.

25 CrR 44

26 RIGHT TO AND ASSIGNMENT OF COUNSEL

27 (a) and (b) Reserved

28 (c) Whenever two or more defendants have been jointly  
29 charged or have been joined for trial and are represented by  
30 the same attorney or by attorneys who are associated in the  
31 practice of law, the Court shall inquire with respect to such

32 ORDER - 6

1 joint representation and shall personally advise each  
2 defendant of his right to separate representation, and take  
3 such other action as may be appropriate.

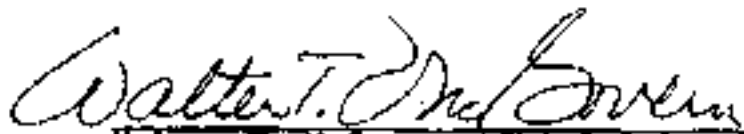
4 CrR 45

5 TIME

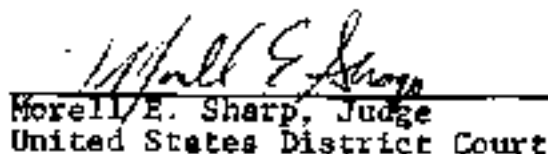
6 (a) through (c) Reserved

7 (d) Criminal motions and proposed orders shall be  
8 filed, served and heard as provided for motions in the Civil  
9 Rules of this Court except that the parties shall note  
10 them for the first Friday after the respondent's time to  
11 reply will expire under CrR 12(c)(2)

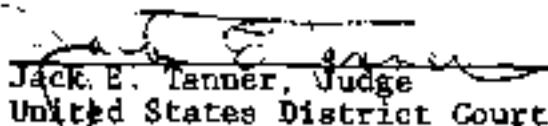
12 These rules shall be effective November 1  
13 1979.

14 

15 Walter T. McGovern, Chief Judge  
16 United States District Court

17   
18 Morell E. Sharp, Judge  
19 United States District Court

20   
21 Donald S. Voorhees, Judge  
22 United States District Court

23   
24 Jack E. Tanner, Judge  
25 United States District Court