

UNITED STATES DISTRICT COURT
Eastern District of Pennsylvania

**JUDGE SLOMSKY'S PROCEDURES
IN CRIMINAL CASES**

Updated December 2009

1. Oral Argument and Motions

Judge Slomsky will grant oral argument on motions if he believes it will assist him in deciding the motions. He usually considers and decides motions *in limine* prior to trial.

2. Pretrial Conferences

Pretrial conferences in criminal cases are held only in complex cases or those involving several attorneys.

3. Pretrial Hearings

Suppression, *Starks* and *Daubert* hearings are typically held at least two weeks prior to trial. The government is required to file proposed findings of fact and conclusions of law prior to the commencement of the hearing. The parties may request leave to supplement proposed findings of fact after the hearing.

4. Continuances

In all criminal cases, before a continuance will be granted, Defense Counsel must obtain Defendant's written consent to a continuance. Such consent shall be given by using the Court's Speedy Trial Act Acknowledgment of Rights form. This form must be signed by Defendant and docketed before any continuance shall issue.

5. Voir Dire

Judge Slomsky conducts *voir dire* in criminal cases. Counsel may submit proposed *voir dire* questions.

6. Proposed Jury Instructions and Verdict Forms

Each party must submit to the Court and serve on opposing counsel proposed points for charge and any proposed jury interrogatories no later than seven days prior to the trial date. Each point for charge and proposed jury interrogatory shall be numbered

and on a separate sheet of paper identifying the name of the requesting party. Each proposed instruction must be submitted with authority. If a model jury instruction is used, the party submitting it shall state whether the proposed instruction is unchanged or modified. If a party modifies a model instruction, additions shall be underlined and deletions shall be placed in brackets.

7. Trial Memorandum

At least one week prior to the trial date, the government must file a trial memorandum setting forth the essential elements of the offenses, the facts which it intends to present, the identity of each witness it intends to call, a statement of the substance of each witness' testimony and any legal issues. The defendant is not required to file a trial memorandum but may do so.

8. Guilty Plea Memorandum

The government must submit a guilty plea memorandum at least two days prior to the change of plea hearing. The memorandum shall include the elements of each offense to which the defendant is pleading guilty and legal citations for the elements, the maximum statutory penalties for each offense, the terms of any plea agreement and the factual basis for the plea.

9. Motions for Downward Departure

A motion for downward departure, except a motion filed under § 5K1.1 of the United States Sentencing Guidelines, must be filed two weeks prior to the sentencing date. The motion should include legal and factual support for the proposed departure. A government motion pursuant to § 5K1.1 must be filed at least one week before sentencing.

10. Sentencing Memoranda

Judge Slomsky requires the submission of sentencing memoranda by both the government and the defendant no later than one week before sentencing. The memorandum must set forth any legal authority relied upon by the party. One copy of each sentencing memorandum, motion and response shall be served on the opposing party, the Court (Chambers, Room 4000) and the United States Probation Office when the original is filed.

If a defendant is responsible for restitution, the government must submit sufficient information in its sentencing memorandum to enable the Court to determine entitlement,

the name and the address of each victim, the amount of loss for each victim, and documentary support for each amount. If liability for restitution is joint and several, the government shall itemize the restitution amount for which each defendant is responsible.