

## Judge Heil's Criminal Guidelines

### I. Hearings:

- a) All counsel, including out of state counsel, are required to attend all criminal hearings *in person*.
- b) Pretrial Conferences are typically set on a pretrial docket and are heard in case number order. If a lengthy hearing (more than 20 minutes) is anticipated or the Court wishes to hear pending motions, the pretrial conference may be moved to a separate date and/or time.
- c) Counsel are encouraged to appear 10-15 minutes early for any hearing.

### II. Joint Status Report Regarding Production of Discovery:

- a) The Joint Status Report should be filed in CM/ECF as a "Status Report."
- b) The Joint Status Report should provide a substantive update on the status of discovery including, but not limited to, any materials yet to be produced, any materials requested but not produced, the reason any materials have not been produced and the anticipated timing of any such production. If a discovery motion is anticipated, this information should be included in the Joint Status Report.
- c) If a change of plea hearing is already set, a Joint Status Report is unnecessary. If the case is ready for change of plea, counsel shall jointly file notice of the forthcoming change of plea request on or before the date the Joint Status Report is due.
- d) Failing to file the Joint Status Report without any notice to the Court is unacceptable.

### III. Motion to Accelerate/Extend Any Deadline:

- a) Every motion must be clearly titled as unopposed, agreed or opposed. Further, pursuant to Local Criminal Rule 12.1(B), every motion *must* contain a statement outlining each party's position, including any co-defendants, with respect to the requested relief.
- a) A proposed order is not required.
- b) If the request implicates the trial date, see Section IV.

### IV. Motion to Continue the Scheduling Order/Trial:

- a) The Motion must be clearly titled as unopposed, agreed or opposed. Further, pursuant to Local Criminal Rule 12.1(B), every motion *must* contain a statement outlining each party's position, including any co-defendants, with respect to the requested relief.
- b) A proposed order is not required.

- c) Unless the case has been declared complex, a waiver of speedy trial is required from each defendant. The waiver must be submitted on the Court's form, which can be downloaded at this link: [Required Waiver of Speedy Trial Form](#).
- d) The Waiver of Speedy Trial must be signed by the Defendant and Defendant's counsel.
- e) Ideally, the Waiver of Speedy Trial should be filed contemporaneously with the Motion. The Motion will not be ruled on until a correct, executed Waiver of Speedy Trial is filed.
- f) The Waiver of Speedy Trial must specifically reference the excludable dates. For example, if the Defendant is set on the September 8, 2021 trial docket and is requesting a continuance to the October 5, 2021 trial docket, the Waiver of Speedy Trial shall state, "Defendant specifically requests that all delays from a continuance of his/her jury trial from September 8, 2021 to October 5, 2021 be excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161, et seq."
- g) Judge Heil's criminal trial dates are as follows:

November 6, 2023  
December 4, 2023  
January 2, 2024  
February 5, 2024  
March 4, 2024  
April 1, 2024  
May 6, 2024  
June 3, 2024  
July 1, 2024  
August 5, 2024  
September 3, 2024  
September 30, 2024  
October 28, 2024  
December 2, 2024

- h) If you are unable to file a signed Waiver of Speedy Trial prior to the hearing, the Motion will be addressed at the pretrial conference.
- i) Defense counsel are expected to timely meet their clients in advance of the pretrial conference. The Court discourages the use of pretrial conferences simply to obtain Waivers of Speedy Trial.
- j) During trial, physical evidence should be handled with disposable gloves in the courtroom. If physical evidence to be presented involves biological matter or potential biohazards, advance notice should be given to the Court's courtroom deputy—preferably at the pretrial conference, but no later than the day exhibit lists are due.

#### V. Change of Plea:

- a) In most cases, the Change of Plea hearing will be referred to the criminal duty Magistrate Judge and set on his or her court schedule.

- b) If the Change of Plea hearing is set before a Magistrate Judge, you must email the Magistrate Judge's Courtroom Deputy the following plea documents three (3) business days prior to the Change of Plea hearing:
- i. [Petition to Enter Plea of Guilty](#);
  - ii. [Consent to Appear by Video Conference](#);
  - iii. [Consent to Magistrate for Change of Plea](#);
  - iv. [Waiver of Jury Form](#);
  - v. [Waiver of Indictment](#) (if applicable); and
  - vi. Plea Agreement and Plea Agreement Supplement (if applicable).
- c) The required forms must be signed and completed by all parties and in PDF format.
- d) If the Change of Plea Hearing is set before Judge Heil, the Petition to Enter Plea of Guilty, Waiver of Jury Form, Waiver of Indictment (if applicable) and Plea Agreement and Plea Agreement Supplement (if applicable) must be emailed to Judge Heil's Courtroom Deputy three (3) business days prior to the Change of Plea Hearing. Judge Heil's Courtroom Deputy is Nick Davis, [nick\\_davis@oked.uscourts.gov](mailto:nick_davis@oked.uscourts.gov).