

**United States District Court
for the Western District of Oklahoma**

Proposed Changes to Local Criminal Rules

LCrR 5.1 Timing of Initial Appearances.

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(a) (3) A written pretrial services report shall be presented to the duty magistrate judge and made available to defense counsel and the government by 2:30 p.m. on the day of the defendant's first court appearance. Pretrial services reports are confidential, subject to the limitations and exceptions of 18 U.S.C. § 3153(c), and must be returned to the pretrial services officer at the close of any hearing. Defense counsel and the attorney for the government may, however, retain the criminal history attachment of the pretrial services report.

~~**LCrR 5.1.1 Records of Recorded Preliminary Proceedings:**~~

~~— See LCrR12.2.~~

LCrR 11.2 Identified Victims and Restitution.

In cases involving identified victims and potential restitution, counsel for the government will, to the extent practicable at the change of plea hearing or no later than 14 days thereafter, provide to the United States Probation Officer and defense counsel the names, addresses and telephone numbers of all victims known to the government at the time of the plea who are entitled to restitution, and the amount allegedly due each victim. If the victim is a government agency or business entity, counsel for the government shall provide the Probation Officer and defense counsel with the agency or business name, address, telephone number, name of contact person, applicable account number(s) or claim number(s), and the amount of loss alleged to have been sustained.

LCrR11.3 Plea Agreements.¹

All plea agreements shall be accompanied by a sealed document titled “Plea Supplement,” the contents of which shall be limited to describing any agreement for cooperation. The Plea Supplement will be electronically filed under seal and shall be filed in all cases regardless of whether a cooperation agreement exists.

~~LCrR12.2—Motions for Playback of Electronic Sound Recordings.~~

~~— Upon approval by the Court of a written motion showing good cause, any party may be permitted to listen to a playback of any proceeding conducted before a magistrate judge on the Court’s recording system. The movant may also obtain a transcript, provided satisfactory arrangements are made with a certified shorthand reporter in accordance with [28 U.S.C. § 753\(f\)](#) and a certified copy of the transcript is then filed.~~

LCrR12.32 Motions to Seal.

Any party requesting that any pleading, document, or other matter be filed under seal (such as ex parte or in camera motions, including in camera motions for downward departure of a sentence, if desired) shall file an application and proposed order with the assigned judge. A clearly identified envelope for sealing the matter shall be furnished at the time of filing the request. Responses to sealed matters may likewise be filed under seal. A separate request to seal such a response is not necessary.

LCrR12.43 Motions in Limine.

Any motion in limine shall be filed and served at least 7 days prior to the commencement of the scheduled trial docket. Any objections shall be filed 4 days prior to the commencement of the scheduled trial docket.

¹This rule was adopted by the Court effective April 2, 2014. *See* Misc. No. 9-14-1, ord. at 1 (W.D. Okla. Apr. 2, 2014).

LCrR12.4.13.1 Notice of Defenses.

Notice of any of the defenses stated in [Fed. R. Crim. P. 12.1, 12.2 or 12.3](#), shall be provided at the discovery conference or within 14 days from the date a plea of not guilty is entered.

LCrR32.1 Confidentiality of Pre-Sentence Reports.

(a) Pre-sentence reports ~~maintained by the Probation Office~~ contain confidential information and recommendations. **For security purposes, pre-sentence reports may not remain in the possession of an incarcerated defendant or be disseminated beyond the members of the prosecution or defense team.** ~~In the event any party wishes to include in any motion, brief, memoranda of law or other document any confidential information or recommendations contained in a pre-sentence report, the party shall apply to the Court for an order authorizing the Clerk to file the document under seal.~~

(b) **Any pre-sentence report filed with the Court is a restricted document, that is, access to the document is restricted to counsel for the government, counsel for the specific defendant, the United States Probation Office, and Court staff.** ~~In the event any party wishes to make substantial reference to the contents of the pre-sentence report include in any motion, brief, memoranda of law or other document any confidential information or recommendations contained in a pre-sentence report, the party shall apply to the Court for an order authorizing the Clerk to file the~~ **motion, brief, memorandum or other** document under seal.²

~~(b)~~**(c)** The Probation Office may release **relevant portions** ~~a copy~~ of a pre-sentence report prepared in this District **(1)** to a federal Probation Office in another District for use by that Office in preparing a pre-sentence report on the same person **or (2) to a vendor who is providing sex offender, mental health, or substance abuse treatment if the Probation Officer determines release of relevant portions of the pre-sentence report is critical to the offender's**

²This sentence, as amended, was moved from LCrR 32.1(a).

treatment needs.

LCrR 47.1 Motion Practice.

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(b) For post-trial and post-conviction motions, with the exception of a motion filed pursuant to 28 U.S.C. § 2255, a response shall be filed within 21 days after the motion is filed. For motions filed pursuant to ~~18~~28 U.S.C. § 2255, no response is necessary unless ordered by the Court.

LCrR 49.2 Format of Papers Presented for Filing.

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(c) Unless otherwise stated in these local rules, ~~all papers presented to the Clerk for filing in paper form shall consist of an original and one copy~~ only the original of papers presented to the Clerk for filing in paper form shall be submitted.

LCrR57.4 Appearance of Counsel.

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(c) **Limited or Special Appearances.** Limited or special appearances in criminal cases ~~are disfavored by the Court and shall not be permitted except upon prior approval of~~ may be permitted by the judicial officer. The minute of the proceeding shall reflect the name of the attorney who actually appears at the proceeding.

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Change references to G.O. 09-4 to G.O. 11-1, which superseded G.O. 09-4.