

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE: ALL CRIMINAL MATTERS)
ASSIGNED TO JUDGE) **STANDING ORDER**
JACQUELYN AUSTIN)

In addition to the Federal Rules of Criminal Procedure and this District's Local Criminal Rules, the following rules apply to all criminal matters before the undersigned:

1. **Continuances.** Motions to Continue that are filed before a scheduled pretrial conference shall state a reason under 18 U.S.C. § 3161(h)(7)(B) why a continuance is requested. Motions and proposed orders from defense counsel *must* include the language that (1) defense counsel has specifically advised the defendant of his/her rights under the Speedy Trial Act and (2) that by requesting the continuance or consenting thereto, the defendant has waived the right to a speedy trial. This shall be deemed an affirmative representation by counsel as an officer of the court. The motion also must state that defense counsel has consulted with the Assistant United States Attorney ("AUSA") assigned to the case and the AUSA consents. Motions to Continue should be filed by 12:00 pm two (2) days prior to the date of the pretrial conference.

2. **Motions to Suppress.** They are to be scheduled for hearing prior to Pre-Trial Conferences. All Motions to Suppress require filing of written briefs. Motions should be filed as soon as the Pre-Trial Conference is noticed so the Government can adequately respond.

3. **Voir Dire.**¹ At least seven (7) calendar days prior to jury selection, all voir dire requests must be emailed to chambers at austin_ecf@scd.uscourts.gov. See Local Criminal Rule 26.04(A) (D.S.C.). The request forms may be found at www.scd.uscourts.gov. Prior to submitting any voir dire requests, the parties must confer and determine if they can agree on these requests. If so, the agreed upon requests must be submitted as joint submissions. The parties must also

¹ The Court will ask potential jurors during jury selection if they know or have any connection with any of the attorneys, parties, or witnesses listed by either party in their pretrial briefs. The Court will also summarize the allegations and ask if any potential juror is familiar with the dispute or has any preconceived views that may impair his or her ability to be impartial.

submit a list of witnesses and, if relevant, their addresses and occupations. If you intend to seek special voir dire, you must certify that the questions you wish to ask are not duplicative of those asked in the juror questionnaire.²

4. **Requests to Strike Jurors for Cause.** Joint Strikes for Cause must be submitted JOINTLY by email to the Clerk's Office at filingdocs_ecf_gren@scd.uscourts.gov and to chambers at austin_ecf@scd.uscourts.gov no later than two days prior to jury selection. In trials involving more than one defendant, the defense must select one spokesperson for the purpose of jury selection. Judge Austin's Joint Strikes for Cause form is located on the Court's website under Forms>Jury.

5. **Jury Instructions.** The parties are required to submit jury instructions in accordance with the Standing Order on Instructions for Proposed Jury Charges for Criminal Cases Before Judge Austin.

6. **Meet, Mark, and Exchange Exhibits.** No later than seven (7) calendar days before the trial date, the attorneys for each side must meet for the purpose of agreeing and marking all exhibits to be used at trial and, where possible, agree on the admissibility of trial exhibits. In the event there is an objection to any exhibit, the opposing party must file objections with the Court at least four (4) days prior to trial. The Government may wait until the day of the trial to mark fungible evidentiary items such as drugs, money, etc.

² This district requires potential jurors to complete an extensive Juror Questionnaire. A sample questionnaire is available on the district's website (www.scd.uscourts.gov). The questionnaire is intended to provide more thorough information to counsel than would otherwise be available and to minimize the time necessary to conduct voir dire. Copies of the responses to the written interrogatories submitted to the jury venire will be available for review in CM/ECF. Attorneys and parties are advised that they must file a "Juror Questionnaire & List Request" form in the appropriate case via CM/ECF using the Certification -Juror Questionnaire and List Request event, found under Other Filings -Trial Documents to obtain access to the questionnaires. You may obtain the form from the Jury Administrator at the Clerk's Office or from the Court's Internet site at <https://www.scd.uscourts.gov>.

7. **Proposed Orders.** Do not file proposed orders in CM/ECF and do not submit proposed orders as a result of oral argument unless requested to do so. In the event a proposed order is requested, or otherwise appropriate, counsel should e-mail a copy of the proposed order and related motion to austin_ecf@scd.uscourts.gov in Microsoft Word format (double-spaced) and opposing counsel should be copied on the e-mail. The e-mail subject line should include the case number and the short form of the case name. The e-mail should indicate if the order was requested or if it relates to a corresponding motion.

8. **Plea Agreements and Element Sheets.** Plea Agreements and elements and penalties must be filed with the Court no later than 2 business days prior to a plea hearing.

9. **Electronic Courtroom System.** Counsel are required to use the electronic courtroom presentation system during trial. If counsel has not undergone electronic courtroom training, contact Jackie Aiken in the Clerk of Court's Office (864-241-2751) regarding use of the electronic system. However, note that training will not be conducted the week prior to trial or during trial.

IT IS SO ORDERED.

s/Jacquelyn Austin
United States District Judge