

Judge Irizarry – Standard Requirements in Criminal Cases

Arraignments on New Indictments

All arraignments on new indictments are referred to the duty Magistrate Judge.

For **superseding indictments**, the government must contact the courtroom deputy prior to scheduling the arraignment.

New Cases: The government must contact the courtroom deputy upon scheduling of arraignment to get a date for an initial status conference. Initial status conferences are generally scheduled 3-4 weeks following arraignment and parties may obtain an order of excludable delay at arraignment. If the defendant does not consent to an exclusion of time, the government shall contact the courtroom deputy to advance the initial status conference.

Pleas taken by Judge Irizarry

Counsel must notify the courtroom deputy if a defendant wishes to enter a plea of guilty. If the plea is to be taken by Judge Irizarry, the government must provide the following to chambers (either by fax or by hand) by 3:00 p.m. one business day in advance:

- Copy of plea / cooperation agreement or Pimentel letter
- Copy of the Indictment
- Any documents incorporated into the plea agreement by reference, such as proffer agreements.

For pleas to Information:

- Copy of the Information
- Copy of plea / cooperation Agreement
- Any documents incorporated into the plea agreement by reference, such as proffer agreements.
- Copy of proposed waiver of indictment form.

All sentence dates are scheduled by the Probation Department.

Pleas taken by the assigned Magistrate Judge

Judge Irizarry allows guilty pleas to be taken by the assigned magistrate judge unless otherwise specified.

Counsel must notify the courtroom deputy upon scheduling any plea to be taken by the magistrate judge. Upon entry of the guilty plea, the government must send the following documents to the courtroom deputy:

- Copy of the executed plea / cooperation agreement or Pimentel letter.
- Copy of the Indictment / Information.
- Any documents incorporated into the plea agreement by reference, such as proffer agreements.

All sentence dates are scheduled by the Probation Department.

Sentencing

All attorneys are advised that they are expected to follow Federal Criminal Procedure Rule 32(f) with regard to objections to the Presentence Report (PSR). Opposing counsel must respond to PSR objections within two weeks. PSR objections and responses thereto must be directed to the probation officer, but need not be filed via ECF. A hard courtesy copy of PSR objections/responses must be provided to chambers.

Sentencing motions / submissions (apart from PSR objections) shall be submitted as follows:

- Defendant's submission must be filed at least *ten business days* in advance of sentencing.
- The government must respond at least *five business days* in advance of sentencing.

The parties are reminded that business days do not include weekends or holidays.

All documents must be filed via ECF unless permission is granted by the Court to file under seal. Hard courtesy copies of all sentencing submissions must be provided to chambers and the Probation Department. This schedule applies in all situations, including motions pursuant to U.S.S.G. § 5K1.1 and/or 18 U.S.C. § 3553(e). Any requests for extensions of the schedule must be submitted well in advance of the due date, must set forth good cause therefor, and must be filed via ECF. Failure to adhere to these requirements may result in the imposition of sanctions and/or the Court's sua sponte adjournment of sentencing.

Submissions to the Court – In General

Unless the docket is sealed, all submissions must be filed via ECF; hard courtesy copies must be provided to chambers.

If seeking to submit documents under seal, counsel shall attach the appropriate cover sheet (available on the Court's website) to an appropriately sized unsealed envelope containing one original and two copies of the document in question, which must set forth the reasons why sealing is justified. Any questions or concerns regarding sealing procedures should be directed to the courtroom deputy.

Adjournments

If an adjournment of any court proceeding is required, file a written request with the Court via ECF (unless the case is sealed; the deputy will advise as to how to proceed in this instance) no less than two days before the proceeding.

Communications with Chambers

Calls to chambers are not permitted except in the event of an emergency and the party has been unable to contact the courtroom deputy. All calls are to be directed to the courtroom deputy, Christy Carosella, at (718) 613-2155.

Permission is required to fax to chambers. Contact the courtroom deputy to request permission.