

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH



SEPTEMBER 15, 2023

NOTICE TO MEMBERS OF THE BAR AND PUBLIC

Proposed Supplemental Changes to the Local Rules of Practice

Public Comment Opportunity Expires on September 29, 2023

The Advisory Committee on the Local Rules of Practice invites comments about the proposed supplemental changes. The summary that follows was prepared to help the public quickly understand the general changes to the rule. The summary should not be relied on as a substitute for a complete review of the rule and the proposed changes.

CRIMINAL RULE

DUCrimR 57-3	Association and Filing of Criminal Cases (Amend) After receiving and reviewing public comments, the Advisory Committee has revised the rule to remove the distinction between transferring a case with and without an alleged supervised release violation; and, restored the requirement that the motion is to transfer the higher-numbered case to the lower-numbered case.
---------------------	---

Members of the bar and the public are encouraged to make suggestions or proposals regarding the local rules throughout the year by sending an email to Utd_public_comments@utd.uscourts.gov (link sends e-mail). The deadline for sending suggestions or proposals to be considered during the local rules amendment cycle is May 1 each year.

DUcRimR 57-3 TRANSFER OF CRIMINAL CASES INVOLVING THE SAME DEFENDANT

(a) Motion to Transfer.

When a defendant has criminal charges pending in 2 or more separate cases, a party may file a motion to transfer the higher-numbered case to the judge assigned to the lower-numbered case.

(b) Filing the Motion.

The motion to transfer a criminal case from one judge to another judge must be filed in the lower-numbered case.

(c) Notice.

The filing party must file a notice of motion to transfer in all related cases. The notice must include the case number for any related cases that could be reassigned to a different judge.

(d) Ruling on the Motion and Sua Sponte Transfer.

The judges assigned to the affected cases will determine whether the cases should be transferred. A judge may sua sponte transfer cases.

(e) Order.

The filing party must email a proposed order in an editable format to the assigned judge's chamber with the lower-numbered case.

DUCrimR 57-3 ASSOCIATION AND FILING TRANSFER OF CRIMINAL CASES INVOLVING THE SAME DEFENDANT

~~(a) Pending Cases Involving Same Defendant.~~

(a) ~~Where there are~~ Motion to Transfer.

~~When a defendant has criminal charges pending in 2 or more separate cases pending against, a party may file a motion to transfer the same defendant before 2 or more higher-numbered case to the judge assigned judges, the United States, to the defendant, or lower-numbered case.~~

(b) ~~Filing the court on its own motion, where appropriate, may move by written~~ Motion.

~~The motion before either to transfer a criminal case from one judge to assign another judge must be filed in the lower-numbered case.~~

(c) Notice.

~~The filing party must file a notice of motion to transfer in all related cases. The notice must include the judge with the low case number case for any related cases that could be reassigned to a different judge.~~

~~(b) Filing of Information Related to New Charges Based on Plea Bargains.~~

~~When the United States, as part of a plea bargain, files an information against a defendant setting forth a charge unrelated in substance to a pending charge in a case before an assigned judge, the new information must be filed promptly with the Clerk of Court who will open a new criminal case and assign a judge pursuant to section 57-3(a). Thereafter, the United States may make a motion for association or reassignment as set forth in section 57-3(c).~~

~~(c) Filing Requirements.~~

~~A motion for association under Fed. R. Crim. P. 13, accompanied by a proposed order, may be filed in any one of the cases for which association is being proposed. A notice of filing the motion must be filed in each other case that the party seeks to have associated. Both the motion for association and the notice of filing must include the~~

~~name and number of all cases for which association is being moved.~~

(d) Ruling on the Motion and Sua Sponte Transfer.

The judges assigned to the affected cases will determine whether the cases should be transferred. A judge may sua sponte transfer cases.

(e) Order.

The filing party must email a proposed order in an editable format to the assigned judge's chamber with the lower-numbered case.