

Rule 5 – Initial Appearance

LCrR5. Initial Appearance Before Magistrate Judge.

5-1 Time and Place of Initial Appearance.

Initial appearances will be regularly held at 2:00 p.m. each work day before a magistrate judge.

5-2 Initial Interview of Defendant by U.S. Probation Officers.

(a) **Opportunity to Consult with Counsel.** A defendant will be given an opportunity to consult with counsel before his or her initial interview with the probation officer. The probation officer will:

- advise the defendant of his or her rights;
- ~~advise the defendant to consult with counsel before the initial interview;~~
- advise the defendant that his or her counsel may be present during the initial interview.

(b) **Notification of Counsel.** It is the responsibility of the probation officer to notify the defendant's retained counsel ~~and or~~ the Federal Public Defender of a scheduled initial appearance before the initial interview.

5-3 Preparation of the Financial Affidavit.

If the defendant is requesting that counsel be appointed, it is the responsibility of defendant's counsel to prepare a financial affidavit (Form CJA 23) prior to commencement of the initial appearance docket.

5-4 Appearance on a Summons.

If a summons is issued to a defendant, the defendant shall report in person to the probation office at 9:00 A.M. on the morning of the scheduled ~~h~~initial ~~A~~appearance for an interview. Following the interview, the defendant will be directed to the U.S. Marshals Service for processing ~~and~~ then released with instructions to reappear for the scheduled ~~h~~initial ~~A~~appearance.

5-5 Unsealing Case.

Upon the initial appearance of any defendant in a sealed case, the case shall be unsealed unless the Court orders the case or portions of the case to remain sealed pursuant to a motion by a party.