

LCrR5 – Initial Appearance

LCrR5-1 Time and Place of Initial Appearance.

Initial appearances will be regularly held before a magistrate judge at 2:00 p.m. any day the Court is open for business.

LCrR5-2 Initial Interview of Defendant by U.S. United States Probation Officers.

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

- (1) advise the defendant of his or her rights, and
- (2) 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 either the defendant's retained counsel or the Federal Public Defender of a scheduled initial appearance before the initial interview.

LCrR5-3 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~~before commencement of the initial appearance docket.

LCrR5-4 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 day of the scheduled initial appearance for an interview. Following the interview, the defendant will be directed to the United States~~U.S.~~ Marshals Service for processing and then released with instructions to reappear for the scheduled initial appearance.

LCrR5-5 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.

SUMMARY OF CHANGES

Minor changes for style and consistency.