

INDIVIDUAL PRACTICES IN CRIMINAL CASES
Valerie Caproni, United States District Judge

Chambers

United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007
(212) 805-6350
CaproniNYSDCChambers@nysd.uscourts.gov

Courtroom

40 Foley Square, Courtroom 443
Michael Brantley, Courtroom Deputy
(212) 805-0170

1. ECF CASES

Counsel are required to register in accordance with the Procedures for Electronic Case Filing and to file a Notice of Appearance within one week following the defendant's initial appearance. Counsel can access the Court's web site (www.nysd.uscourts.gov) and click on CM/ECF Home Page for complete instructions on how to register.

2. COMMUNICATIONS

A. General Communications

Communications with Chambers shall be by letter filed electronically on ECF unless there is a request to file under seal pursuant to Rule 2(B). When a letter is accompanied by attachments exceeding 10 pages in length, the submitting party shall both file the letter electronically *and* deliver a courtesy hard copy of the letter and its attachments to Chambers by mail or hand delivery. Electronically-filed letters that do not contain attachments exceeding 10 pages need not be submitted in hard copy. Copies of correspondence between counsel shall not be sent to the Court (except as exhibits to an otherwise properly-filed document).

B. Sealed Communications

Any party wishing to file a letter containing sensitive or confidential information (e.g., sentencing letters with private information) in redacted form or under seal must request permission to do so. The requesting party should (1) file its request on ECF (along with the redacted version of the document, unless they seek to file the entire document under seal); and (2) email the Court an unredacted copy of the document. Unless the Court informs otherwise, if the Court approves filing the document under seal, the Court will file a hard copy of the sealed document with the Sealed Records Department.

C. Requests for Funding by CJA Counsel

Requests for funding for CJA counsel who seek to engage investigative, expert, mentorship, or other services should be submitted through the CJA evoucher system and not by letter to the Court. Requests for funding for CJA counsel who seek to engage

associate counsel must be made by letter on ECF. Requests for interim payments may be made to the Court *ex parte* via mail or email (CaproniNYSChambers@nysd.uscourts.gov).

3. SUBSTITUTION OF COUNSEL

When there is a substitution of defense counsel, counsel of record must contact the Deputy Clerk to schedule a conference. At the conference, the Court will address the application by defense counsel to be relieved. The defendant, defense counsel of record, replacement counsel and the Assistant United States Attorney must attend the conference.

4. MOTIONS

In making discovery motions, counsel are expected to comply with Southern District Local Criminal Rule 16.1. Any discovery motion must contain the required Rule 16.1 affidavit.

5. APPEARANCES

Counsel are expected to be present and prepared to begin proceedings at the scheduled time, with no exceptions. Defense counsel are expected to have reviewed any plea, cooperation or other agreement, or any waiver of indictment or analogous forms – if necessary, with the assistance of an interpreter – with the defendant prior to the time set for the conference with the Court.

6. SENTENCING

A. Adjournments

Any request for an adjournment of sentence must be made by letter, filed on ECF as previously described, as early as possible, but no later than three business days before the date. Such requests should state whether opposing counsel consents to the adjournment.

B. Letters

Except for submissions to be filed under seal or in redacted form, every document in a sentencing submission, including letters, must be filed on ECF. Letters should be grouped and filed together as attachments to a single document marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated. The defendant is responsible for filing all letters submitted on behalf of the defendant, including those from friends and relatives. The Government is responsible for filing all letters from victims.

C. Written Submissions on Sentence

Unless the Court specifically orders otherwise, both parties should make a written submission in advance of sentencing. Sentencing memoranda and other written submissions should be submitted no later than one week prior to the sentencing date.