

DEFENSE DEADLINES IN FEDERAL CRIMINAL CASES*

	Federal Rules of Criminal Procedure Deadline	Western District Texas Rules Deadline**
Pretrial Motions:		
All motions	If hearing scheduled, 7 days before hearing date. FRCP 47(c)	14 days after arraignment, or scheduled arraignment date, unless otherwise ordered. CR-12(a)
Specific motions:		
Bill of Particulars	14 days after arraignment, or later time if court permits. FRCP 7(f)	
To suppress, dismiss indictment, to sever, for discovery	Before trial, FRCP 12(b)(3), or at time court sets at arraignment or afterward, FRCP 12(c).	
Venue transfer	At or before arraignment, unless otherwise prescribed. FRCP 21(d)	
Request for notice of suppressible evidence	At arraignment or as soon as practicable afterward. FRCP 12(b)(4)(B)	
Notice of defense:		
Alibi	14 days after Gov't request, unless otherwise ordered. FRCP 12.1(a)(2)	
Insanity/Mental Condition	By pretrial motions deadline, unless otherwise ordered. FRCP 12.2(a), (b)	
Public authority	By pretrial motions deadline, unless otherwise ordered. FRCP 12.3(a)(1)	
Response to motions		11 days after service. CR-47(b)
Discovery:		
Detention hearing discovery		Commencement of hearing. CR-16(b)(1)(A)
Other pretrial hearing discovery	Supporting Affidavits: With the motion. Opposing affidavits: 1 day before hearing. FRCP 47(d).	48 hours before hearing. CR-16(b)(1)(B)
Deposition of detained material witness		35 days after witness first appeared in court. CR-15(b)(2)(A)
Trial discovery		14 days after arraignment or latest scheduled arraignment date. CR-16(b)(1)(C)
Public authority defense witnesses	14 days after receiving timely Gov't request, or as otherwise receiving. FRCP 12.3(a)(4)(B), (a)(5).	
Witness' prior statement (except defendant)	After direct examination. FRCP 26.2(a)	

* Rules for computing time are found in FRCP 45(a), CR-45, and FRAP 26(a).

** Different deadlines may be set by other rules, by statute, by standing order, or by order in a specific case.

Divisional standing orders are available at the court's website: <http://www.txwd.uscourts.gov>.

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Jury Instructions		
Request for Instruction	At close of evidence, or at "reasonable" earlier time set by court. FRCP 30(a)	
Objection to Instruction	Before jury retires to deliberate. FRCP 30(d)	
Post-trial Motions		
Judgment of Acquittal	At close of Gov't case,*** close of all evidence, or 14 days after jury verdict or discharge. FRCP 29(a), (c)	
New Trial	For newly discovered evidence: 3 years after verdict or finding of guilty FRCP 33(b)(1)	
	For other grounds: Within 14 days after verdict or finding of guilty. FRCP 33(b)(2)	
Arrest of Judgment	14 days after verdict or finding of guilty, or plea of guilty or nolo contendere. FRCP 34(b)	
Withdrawal of guilty plea	For any reason, or no reason: Before plea accepted. FRCP 11(d)(1) If plea agreement rejected or for any fair and just reason, before sentence imposed. FRCP 11(d)(2)	
Presentence Report		
Review		10 days after given. CR-32(b)(2)
Objections	14 days from receipt, FRCP 32(f)(1), unless otherwise ordered. FRCP 32(b)(2), (i)(1)(D)	If FRCP 32(f)(1) time limit waived, 10 days after given, unless otherwise ordered by the court. CR-32(b)(3), (c), (d)(1)****
Notice of Appeal		
District court order or judgment	14 days after entry of order or judgment; after ruling on motion for judgment of acquittal, new trial, or arrest of judgment; or after Gov't notice of appeal. FRCP 58(g)(1) (incorporating Federal Rule of Appellate Procedure 4(b)).	
Magistrate order or judgment	14 days after judgment or order. FRCP 58(g)(2)	
Removal of Exhibits		60 days after final disposition of case, including appeal and certiorari. CR-55(b)(1)

*** Presenting defense evidence waives motion for judgment of acquittal at close of Gov't case. *United States v. McIntosh*, 280 F.3d 479, 482 (5th Cir. 2002)

**** Objection deadline can be shortened only with parties' consent. CR-32(c)

This chart has been prepared by Brad Bogan, Research & Writing Specialist, W.D. TX.