

Filing Procedures – Criminal Documents

Overview This section outlines the procedures to use when filing criminal documents.

Filing a Criminal Indictment, Information, or Complaint Indictments, superseding indictments, informations, and complaints are not currently accepted electronically and must be filed by sending them through the U.S. mail or by delivering them in person to the clerk’s office.

Criminal Documents That May Be Filed Electronically Following is a list of categories of criminal documents that may be filed electronically:

- Plea-Related Documents,
- Motions,
- Responses and Replies,
- Discovery Documents,
- Waivers,
- Notices,
- Trial Documents,
- Appeal Documents, and
- Other Documents.

Subpoena Duces Tecum Motions for the issuance of a subpoena duces tecum returnable before trial pursuant to Federal Rule of Criminal Procedure 17(c) may not be made *ex parte* except in unusual circumstances. The district court may allow the application process to proceed *ex parte* upon a showing that the disclosure of the application for a pre-trial subpoena would: (i) divulge trial strategy, witness lists, or attorney work-product; (ii) imperil the source or integrity of subpoenaed evidence; or (iii) undermine a fundamental privacy or constitutional interest of the requesting party. See, *United States v. Beckford*, 964 F.Supp. 1010, 1030 (E.D. Va. 1997).

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Filing a Criminal Document Electronically: Overview

Below is an overview of the process for filing a criminal document electronically:

Stage	Description
1	Login to ECF. Select <i>Criminal</i> from the blue menu bar at the top of the screen.
2	Click on the name of the type of document you are filing (e.g., motion, responses, etc.).
3	Enter the case number in which the document is to be filed.
4	Select either <i>All defendants</i> or the defendant(s) you represent, if there is more than one defendant in the case.
5	Select the party or parties for whom the document is being filed.
6	Select the specific document you are filing (e.g., motion to dismiss).
7	Select the PDF document to be filed.
8	Add attachments, if any, to the document being filed.
9	Modify docket text as necessary.
10	Submit the document to ECF.
11	Retain Notification of Electronic Filing (NEF).
12	Mail paper copies of the document and of the NEF to any non-filing user.

Filing a Criminal Motion: Introduction

To give you a sense of how the ECF process and its screens work, the material below describes the steps for filing a criminal motion. These steps are similar to those for filing other documents in ECF.

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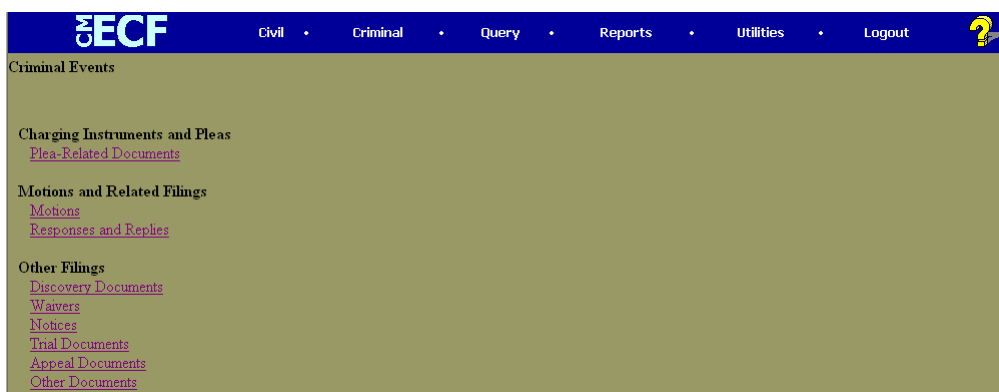
Filing a Criminal Motion: Selecting *Criminal* from the Menu

Step 1 – Login to the system. Then, select *Criminal* from the blue menu bar at the top of the screen.



Filing a Criminal Motion: Selecting *Motions* from the Menu

Step 2 – Select *Motions* as the type of document to file.



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Filing a Motion in a Criminal Case: Entering the Case Number

Step 3a – Enter the case number in which the document is to be filed.

The case number format is as follows: *division: year-type-number* (e.g., *1:06-cr-525*), although you must type only a year and number when first prompted for a case number. The screen shot in the next block shows the case number entry screen and its examples of case number formats acceptable to the system.

The division number denotes the division in which the case is pending, as follows:

- Alexandria is 1,
- Norfolk is 2,
- Richmond is 3, and
- Newport News is 4.

The codes for the three criminal case types are *cr* for criminal felony cases, *mj* for criminal misdemeanor cases, and *po* for criminal petty offense cases.

Note: ECF defaults to the number for the last case in which you worked. Ensure that the proper case number is entered to avoid filing your document in the wrong case.

If the case number was:

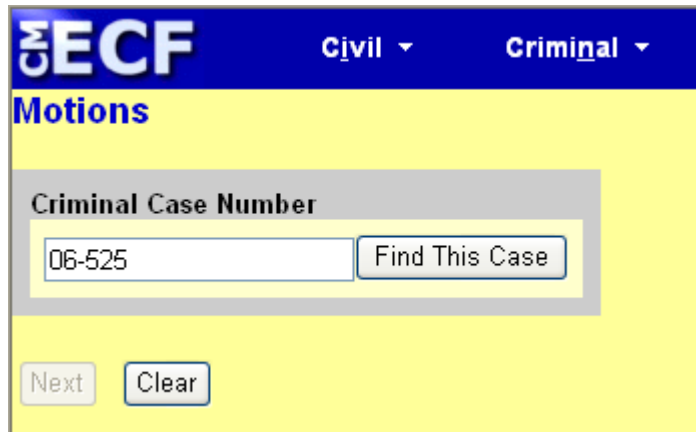
- Entered incorrectly, click on the *Clear* button to re-enter.
- Rejected by the computer as an invalid case number, click on the *Back* button on your browser menu bar to re-enter.

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**Filing a Motion
in a Criminal
Case: Entering
the Case
Number –
Screen Shot**

Screen shot of the case number entry screen.



The screenshot shows the ECF (Electronic Case Filing) interface. At the top, there is a blue header with the ECF logo and two dropdown menus labeled "Civil" and "Criminal". Below the header, the word "Motions" is displayed in blue. The main content area has a yellow background. A grey box contains the text "Criminal Case Number" above a text input field with the value "06-525" and a button labeled "Find This Case". Below this grey box, there are two buttons: "Next" and "Clear".

Note: Once you type in the case number, the button *Find This Case* appears. Click on the *Find This Case* button to continue.

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Filing a Motion in a Criminal

Case: Selecting the Case

Step 3b – Select the correct case, if a list is provided.

If ECF finds more than one criminal case with the same number, it will list the cases, including the case number and short title of the case, which will allow you to select the correct case.

The screen shot below shows that three criminal cases numbered 06-525 exist in the system. Two of the cases are in Alexandria: one is a *cr* multi-defendant case, and the other is an *mj* case. The third case is in Richmond.

A criminal case may contain more than one defendant. Each defendant has an individual docket sheet within the case docket sheet. When filing a document for a defendant, be sure to select the correct defendant, defendants, or entire case by clicking the appropriate check box.

Once you have selected the correct case, click on the *Next* button.

The screenshot shows the ECF Motions interface. At the top, there are navigation tabs for 'Civil', 'Criminal', and 'Query'. Below this is the 'Motions' section. A search box contains the text '1:06-cr-525-1' and a 'Hide Case List' button. Below the search box, it says 'Select a case:' followed by a list of cases with checkboxes:

- 1:06-cr-00525-JCC USA v. Doan et al (closed)
- 1:06-cr-00525-JCC-1 Thai Doan (closed)
- 1:06-cr-00525-JCC-2 Marco Wong (closed)
- 1:06-mj-00525-BRP USA v. Walden (closed)
- 3:06-mj-00525-MHL USA v. Bradley (closed)

At the bottom of the form, there are 'Next' and 'Clear' buttons.

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Filing a Motion in a Criminal Case: Selecting the Parties

Step 4a – Select the party or parties filing the motion by clicking on the party name(s) in the white box on the right of the screen. The list of party names is presented on the screen in alphabetical order.

- If you represent more than one defendant, you may select all the defendants you represent by holding down the *CTRL* key while clicking on the name of each defendant.
- When filing a joint document, select the party(ies) you represent as the filer of the document. When presented with a text box during filing, you may enter the name(s) of the opposing party in the text box.

Note: To deselect a party, hold down the *CTRL* key while clicking on the party(ies) you wish to deselect.

After selecting all the parties filing the motion, click on the *Next* button.

The screenshot shows a software interface for selecting a filer. On the left, a panel titled "Pick Filer" contains a tree view with a "Collapse All" button at the top left and an "Expand All" button at the top right. The tree view shows a case identifier "1:06-cr-525-2" and three parties: "USA pla", "Thai Doan dft", and "Marco Wong dft". On the right, a panel titled "Select the filer." contains a "Select the Party:" label and a list box. The list box contains three entries: "USA [pla]", "Doan, Thai [dft]", and "Wong, Marco [dft]". The "Wong, Marco [dft]" entry is selected. Below the list box are two buttons: "Next" and "Clear".

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Filing a Motion in a Criminal Case: First Appearance of an Attorney

Step 4b – Create an association between you and the party, if necessary.

If this document is your first appearance in the case on behalf of the party, you will see the screen depicted in the screen shot below.

- Click the box next to the party name to select the party or parties you represent AND deselect *Select all* if you do not represent all the parties listed.

Note: In this example, only one party is filing the motion. Therefore, in the screen shot below, the system has not provided a *Select all* button.

- Click the box next to the word *Lead* if you are lead counsel for the party, and click the box next to the word *Notice*, if it is not already checked, to receive notices from the Court and other attorneys.
- If you want to deselect a checked box, click in the box you want deselected.

The screenshot shows the ECF system interface. At the top, there is a blue navigation bar with the ECF logo and links for Civil, Criminal, and Query. Below the navigation bar, the page title is "Motions" and the case name is "1:06-cr-00525-JCC USA v. Doan et al". The main content area is olive green and contains the following text: "The following attorney/party associations do not exist for the above case(s). Please check the box on the left of the screen for associations which should be created. If the association should *not* be created, be sure the box is *unchecked*". Below this text, there is a list of associations with checkboxes: Marco Wong (pty.dft) represented by testaty (aty), Lead, and Notice. At the bottom of the list, there are two buttons: "Next" and "Clear".

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Filing a Motion in a Criminal Case: Selecting the Type of Motion

Step 5 – Select the type of motion that you are filing by clicking on its name from the dropdown list and then click on the *Next* button.

In the screen shot below, a *Motion to Dismiss* has been selected.

ECF Civil Criminal Query Reports Utilities Search

Motions

1:06-cr-00525-JCC USA v. Doan et al

Start typing to find another event.

Available Events (click to select events)

Selected Events (click to remove events)

Dismiss

Next Clear

Filing a Motion in a Criminal Case: Selecting the PDF File Name and Location

Step 6 – Select the PDF file name and location for the document you are filing by doing the following:

- Click on the *Browse* button to navigate to the appropriate directory and file.
- Select the document. Its name should appear in the *Filename* box.
- Verify that you have attached the correct document by viewing it.
- Click on *Next*.

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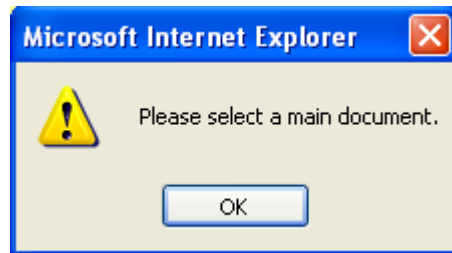
Filing a Motion in a Criminal Case: Selecting the PDF File Name and Location – Screen Shot with Notes

Below is a shot of the screen that asks you to select the PDF file name and location, with accompanying notes:

The screenshot shows the ECF Motions filing interface. At the top, there is a navigation bar with 'Civil', 'Criminal', 'Query', 'Reports', and 'Utilities' dropdown menus. Below this, the page title is 'Motions' and the case name is '1:06-cr-00525-JCC USA v. Doan et al'. The main instruction is 'Select the pdf document and any attachments.' There are two sections: 'Main Document' and 'Attachments'. The 'Main Document' section has a text input field containing 'O:\ECF DOCUMENTS\PDF FakeDocume' and a 'Browse...' button. The 'Attachments' section has a table with three columns: 'Attachments', 'Category', and 'Description'. The first row has an input field for the attachment name, a 'Browse...' button, a dropdown menu for the category, and an input field for the description. At the bottom, there are 'Next' and 'Clear' buttons.

Notes:

- The file selected **MUST** be in PDF format with a .pdf suffix. If the file is not in PDF format, the system will not be able to read the file.
- If you do not attach a document, the following prompt will occur:



- Click on the *OK* button and then click on the *Browse* button.

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Filing a Motion in a Criminal Case:

Verifying That You Have Attached the Correct Document

Step 7 – Verify that you have attached the correct document by taking the following steps:

- Right click on the highlighted file name to open a quick menu.
 - Left click on *open*. The PDF document will be opened by Adobe Acrobat or Acrobat Reader so that you can view the document and verify that it is the correct one.
 - Close Adobe Acrobat or Acrobat Reader.
 - Click the *open* button on the file upload screen.
-

Filing a Motion in a Criminal Case: Modifying the Docket Entry

Step 8 – Modify the docket entry, if appropriate.

You can modify the docket entry in two ways:

- By selecting a modifier to go before the word *motion* from the dropdown list by clicking on the arrow and
- By typing more information about the motion in the white box following the word *Motion* title as well as entering names of opposing party(ies) when filing a joint document. In general, white boxes in docket entries allow you to add additional text to the entries.

After you have made your modifications, if any, click on the *Next* button.

The screenshot shows the ECF interface for filing a motion. At the top, there is a navigation bar with 'Civil', 'Criminal', 'Query', 'Reports', and 'Utilities'. Below this, the page is titled 'Motions' and shows a case reference '1:06-cr-00525-JCC USA v. Doan et al'. The main content area is titled 'Docket Text: Modify as Appropriate.' and contains a dropdown menu set to 'Amended', a text input field containing 'MOTION to Dismiss Counts 2 & 3 of the Indictment by Marco Wong. (testaty,)', and 'Next' and 'Clear' buttons.

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Filing a Motion in a Criminal Case: Reviewing the Docket Entry for Accuracy

Step 9 – Review your docket entry for accuracy.

If the docket entry is...	Then...
Correct	Click on the <i>Next</i> button to commit the transaction. <i>Note:</i> Once you click on the <i>Next</i> button, only clerk’s office staff will be able to make any changes to the submission.
Incorrect	Click on <i>Criminal</i> on the main blue menu bar to abort the entry and start over.

Note: Once you have committed the transaction, the next screen that appears is the Notice of Electronic Filing (NEF), your official filing receipt. To ensure that your transaction is complete, wait for the NEF before clicking on any other function.

The screen shot below shows that “Amended” was selected from the dropdown list and “Counts 2 and 3 of the indictment” was typed into the white box, so that the final docket text now reads, “Amended Motion to Dismiss Counts 2 and 3 of the Indictment.”

This docket text is correct, so the next step would be to click on the *Next* button to commit the transaction.

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**Filing a Motion
in a Criminal
Case: Notice of
Electronic
Filing (NEF)**

ECF electronically transmits the NEF to the attorneys in the case who have supplied their e-mail addresses to the Court. Your transaction is complete once you have received the NEF, and the NEF is your proof of filing with the Court. Therefore, you should save either an electronic or a paper copy of the NEF.

To save a copy of the NEF either as an electronic record or as a paper document, see the chart below:

If you want to...	Then...
Save an electronic copy of the NEF	<ul style="list-style-type: none">• Select <i>File</i> on your browser's menu bar.• Select <i>Save Frame As...</i> from the drop-down window and complete the rest of the steps.
Print a copy of the NEF	Select Print on your browser's toolbar.

Note: The NEF also displays the names and addresses of individuals who will not be electronically notified of the filing. It is the filing user's responsibility to serve paper copies of the document and of the NEF to attorneys and parties who are not receiving electronic notification.
