

SECTION II - CRIMINAL RULES

RULE CR-1. SCOPE AND APPLICABILITY OF RULES

(a) **Scope.** These rules apply in all criminal proceedings before the district and magistrate judges of the Western District of Texas.

(b) **Applicability.**

(1) ***Conflicts with Other Laws or Rules.*** To the extent any of these rules conflict with a law of the United States, or an applicable rule of the Supreme Court of the United States or the United States Court of Appeals for the Fifth Circuit, the rule must not apply.

(2) ***Waiver of Rules.*** Any judge of this court may waive a requirement of any of these rules when it is in the interest of justice.

(3) ***Absence of Rule.*** When no specific rule governs a procedural matter, the judge may prescribe the procedure for that case.

(c) **Citation.** These rules may be cited as the Western District of Texas Rules.

Committee Notes

1. The language of Rule CR-1 has been amended as part of the general restyling of the local criminal rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only, except as noted below.
2. The rules apply to cases then pending, unless applying a rule is not in the interest of justice.
3. Subsection (f) of the former rule, setting forth authority of magistrate judges is omitted from the proposed revision. The delegation of magistrate authority is not related to the general scope and applicability of the local rules and logically should be placed in its own rule. The style of subsection (f) has been revised as proposed Rule CR-58, consistent with proposed revisions to the Fed. R. Crim. P., which place matters pertaining to proceedings before a magistrate judge in Fed. R. Crim. P. 58.