

## FELONY CRIMINAL CASES

At arraignment, all defendants are assigned a pre-trial and trial date within the 175 speedy trial timeframe. An attorney may file a notice of appearance and waive the presence of the defendant at arraignment. If an attorney waives a defendant's presence at arraignment, the attorney is responsible for informing the defendant of the pre-trial and trial dates.

**PRE-TRIAL CONFERENCE:** The purpose of the pre-trial conference is to determine which cases will be set on the two-week trial calendar. Pre-trials for defendants with private attorneys start at 9:00 AM. A sign-up list is provided and the cases are called according to the list. **The Court does not hear change of pleas during pre-trial conferences.**

Unless the Court orders otherwise, **the defendant must be present for the pre-trial conference.** An attorney seeking to waive the appearance of a defendant at pre-trial must seek permission of the Court prior to the pre-trial conference.

**CHANGE OF PLEAS:** A change of plea can be scheduled with the Court at any available time prior to the pre-trial conference. In addition, the Court has reserved the entire day before the pre-trial conference so that change of pleas can be scheduled. Please make sure the defendant has signed the plea agreement before scheduling the change of plea.

**CONTINUANCES:** Parties may move to continue a case from the trial calendar either at or prior to the pre-trial conference. Continuances are granted at the discretion of the Court. Parties requesting a continuance should be prepared to inform the Court of the posture of the case and how much more time is needed in order for the case to be resolved. **Because the case is already set for trial, any defendant moving to continue a case off the trial calendar for a reason not chargeable to the State must waive speedy trial.**

Either party may file a written motion to continue the case prior to the pre-trial conference. The written motion must contain the reasons for the continuance and a statement concerning when the case will likely be resolved. If a defendant is moving for a continuance charged to the defendant, the motion must also contain a waiver of speedy trial or a statement that speedy trial has already been waived. The moving party must also provide a proposed order of continuance.

**The motion must state whether the opposing party agrees or objects to the continuance.** If both parties agree to the continuance, the Court will likely continue the case without a hearing. If the Court continues the case, the parties are excused from the pre-trial conference. The attorneys for the defense are responsible for informing their clients of the new pre-trial and trial dates.