

## **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 start at 9:00 AM for in-custody defendants and 1:00 PM for out of custody defendants. 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 of Monday before the pre-trial conference for negotiated change of pleas. Please make sure the defendant has signed the plea agreement before scheduling the change of plea. Each negotiated change of plea hearing is scheduled for 15 minutes.

**The defendant must sign a "Waiver of Rights and Plea Agreement Form" for all change of pleas.** If it is an "open" plea wherein there is no agreement on the sentence to be imposed, please leave the sentence portion blank. When scheduling an "open" change of plea, please inform the court of the estimated time needed for the hearing.

**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. The motion

must state whether the opposing party agrees or objects to the continuance. **All written motions to continue must be filed at least 48 hours prior to the pre-trial conference.** 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.

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.

**All cases that are not continued at the pre-trial conference shall remain on the trial docket and will not be continued from the trial docket without a showing of exceptional cause.**