

# 327<sup>TH</sup> JUDICIAL DISTRICT COURT

## STANDING RULES REGARDING HEARINGS

---

### **Arraignment Deadline (Arraignment waiver to be provided by email. In-person hearing with all parties required to be present if waiver not provided by initial deadline)**

Waivers of arraignment will be emailed to attorneys prior to the deadline. Waivers, or a courtesy copy of the efiled waiver, must be provided to the court by 5 PM on the deadline date. If the arraignment is not received by then, an in-person arraignment date will be scheduled where both attorney and defendant must be present, unless the defendant is in custody, at which point only the attorney's presence is required.

### **Discovery Compliance Hearing (Zoom Hearing: Defendant presence is waived)**

EXPECTATIONS OF THE STATE: The usual discovery (i.e., photos, labs, 911, officer history, media, etc.) should be requested PRIOR to this date. Plea offers, if possible, should be in portal or otherwise conveyed to the Defense.

EXPECTATIONS OF THE DEFENSE: Cases should have been reviewed prior to this date to see if any discovery is still outstanding. Requests to the State for this discovery should be made prior to this date. Mitigation packets, non-prosecution statements, etc. should be provided to the State by this date.

EXPECTATIONS OF BOTH STATE AND DEFENSE: Negotiations and discussions should be handled PRIOR to this hearing as they will NOT be heard at the hearing.

WHAT TO EXPECT FROM THE COURT: The Court will ask if any discovery is still outstanding and ask for specifics as to what is still missing. If discovery is still needed, a Discovery Status hearing will be scheduled. If no discovery is missing, the Court will ask if a 28.01 hearing is necessary. (See 28.01 Hearing below). If no 28.01 hearing is required, it will be deemed waived, and a Final Hearing will be scheduled.

### **Discovery Status (Zoom Hearing: Defendant presence is waived)**

EXPECTATIONS OF THE STATE: The usual discovery (i.e., photos, labs, 911, officer history, media, etc.) should be provided PRIOR to this date. If there is anything outstanding, the Court asks that subpoenas be issued for those entities that are holding up the discovery. Plea offers, should be in portal or otherwise conveyed to the Defense.

EXPECTATIONS OF THE DEFENSE: Cases should have been reviewed prior to this date to see if any discovery is still outstanding. Requests to the State for this discovery should be made prior to this date. If there is anything outstanding, the Court asks that subpoenas be issued for those entities that are holding up the discovery.

EXPECTATIONS OF BOTH STATE AND DEFENSE: Negotiations and discussions should be handled PRIOR to this hearing as they will NOT be heard at the hearing.

WHAT TO EXPECT FROM THE COURT: The Court expects that discovery is complete by this hearing. If there is discovery missing, an explanation as to when it was requested and why it continues to be missing is expected. A last Discovery Status hearing may be scheduled if discovery has been previously requested but is still pending. If no discovery is pending, the Court will ask if a 28.01 hearing is necessary. (See 28.01 Hearing below). If no 28.01 hearing is required, it will be deemed waived, and a Final Hearing will be scheduled.

### **28.01 Hearing (Deadline only-no presence required by any party)**

This hearing is a DEADLINE only. Any motions MUST be filed by this deadline and a hearing will be scheduled soon thereafter. If no motions are received by 5:00 PM on the hearing date, the 28.01 will be deemed waived.

### **Final Hearing (In-Person Hearing: All parties are required to be present)**

EXPECTATIONS OF THE STATE: Any changes in plea offers should be made prior to this date and with enough time for Defense to discuss the offer with their defendant.

EXPECTATIONS OF THE DEFENSE: Plea offers should have already been conveyed to the defendant prior to this date so the defendant can state, on the record, whether or not the offer is accepted.

EXPECTATIONS OF BOTH STATE AND DEFENSE: Be prepared to announce either ready for trial or that a plea agreement has been reached.

WHAT TO EXPECT FROM THE COURT: The Court will ask if an agreement has been reached or if this will continue to trial. If an agreement has been reached, the plea offer will be put on the record and a plea document deadline and plea date will be scheduled. If a trial is requested, the plea offer will be given, and the Defendant will be asked to accept or reject the offer on the record.

### **Plea Document Deadline and Hearing (Plea documents to be provided by email. In-person hearing for the Plea Hearing: All parties are required to be present)**

EXPECTATIONS OF THE STATE: Plea papers are expected to be provided to the Defense in a timely manner to allow Defense to get signatures and submit the documents by the Plea Document deadline. When emailing the documents to Defense, please CC the court coordinator so that it can be noted in the Court's files as to when the documents were sent.

EXPECTATIONS OF THE DEFENSE: Although plea papers are expected to be provided to the Defense in a timely manner, Defense should follow up with the State to be able to provide signed plea documents to the court by the Plea Document deadline. If there is a reason the documents cannot be provided by this deadline, Defense is to inform the court coordinator as soon as practicable.

WHAT TO EXPECT FROM THE COURT: If plea documents are not provided to the Court prior to the plea date and no explanation is provided by the Plea Document deadline, the plea date will be cancelled, a Jury Trial will be scheduled, and no plea will be accepted by the Court.

### **Docket Call and Jury Trial (In-Person Hearings: All parties are required to be present)**

Docket Calls will be set a week prior to Voir Dire/Jury Trial.

EXPECTATIONS OF THE STATE: The State should have already had pretrials with victims, witnesses, and officers. Any dismissals or other additional plea offers should be done by Docket Call. Plea papers should be provided to Defense on this day if an agreement has been reached.

EXPECTATIONS OF THE DEFENSE: Defense should have continued any negotiations or discussions with the State prior to Docket Call.

WHAT TO EXPECT FROM THE COURT: The Court will ask if the State is ready for trial and then if the Defense is ready for trial. If both sides are ready, they will be provided with jury sheets as soon as practicable. If a plea has been reached, it is preferable that the plea be taken on the day of the Docket Call, but it MUST be taken no later than the Thursday prior to the scheduled Voir Dire date. Plea documents are due NO LATER THAN the Wednesday prior to the plea hearing. If no documents are provided without explanation, the plea hearing will be cancelled, the jury trial will continue, and no plea will be accepted by the Court.

### **Outcry Hearings (In-Person Hearings: All parties are required to be present)**

Outcry hearings will be heard approximately 30 days prior to the jury trial date. Request of the Outcry hearing to be rescheduled also potentially reschedules the jury trial.

### **Pre-Revocation and Contested Revocation Hearings (Pre-Revocations are through Zoom-Defendant presence is waived. Contested Revocation is In-Person Hearing: All parties are required to be present)**

EXPECTATIONS OF BOTH STATE AND DEFENSE: Initial discussion of the case should be handled PRIOR to this hearing. If an agreement as to modifications has been reached prior to the hearing, an email can be sent to the Court for possible approval and signature by the Judge and the hearing will be cancelled.

WHAT TO EXPECT FROM THE COURT: If no agreement has been reached prior to the pre-revocation hearing, a summary from probation will be heard, arguments from both the State and Defense will be heard, and if no agreement can be reached, a contested revocation will be set. Pleas of true will be heard at any time up to and including on the contested revocation date.

### **Bond Hearings (Zoom Hearing-All parties to be present via Zoom)**

*The State requires 3 days to prepare for these hearings. Any waiver of the time must be discussed with the State.*

EXPECTATIONS OF BOTH STATE AND DEFENSE: Discussion is appreciated prior to the hearing. If an agreed bond is reached, an email is to be sent to the Court with the proposed terms for possible approval and signature by the Judge. The hearing will then be cancelled.

**Motions to Recall Capias/ Warrants (In-Person Hearing: All parties are required to be present)**

*The State requires 3 days to prepare for these hearings. Any waiver of the time must be discussed with the State.*

EXPECTATIONS OF BOTH STATE AND DEFENSE: Discussion is appreciated prior to the hearing. If an agreement is reached, an email is to be sent to the Court with the proposed terms for possible approval and signature by the Judge. The hearing will then be cancelled. If no agreement is reached, the case will be heard as scheduled.