

FELONY CRIMINAL CASES

At arraignment, all defendants are assigned a trial priority date and trial date within the 175 day 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 trial priority and trial dates.

TRIAL PRIORITY: The purpose of the trial priority is to determine which cases will be set on the two-week trial calendar. **Trial priority starts 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.

Unless the Court orders otherwise, **the defendant must be present for the trial priority.** An attorney seeking to waive the appearance of a defendant at trial priority must seek permission of the Court prior to the trial priority. **The Court does not hear change of pleas during trial priority.**

CHANGE OF PLEAS: A change of plea can be scheduled with the Court at any available time prior to the trial priority. In addition, the Court has reserved the entire Monday before the trial priority 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 10 minutes. Please notify the Court if an interpreter is needed and make the request through interpreting services on the circuit5.org website.

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 trial priority. 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 trial priority. 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 trial priority.** 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 trial priority. The attorneys for the defense are responsible for informing their clients of the new trial priority and trial dates.

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