

Rule 4.5 Jury  
Pre-Trial Procedure

(a) Pre-Trial Hearings. All cases scheduled for jury trial shall be set for pre-trial hearing. Pre-trial hearings shall be held prior to the jury trial. The State or City Prosecutor, defense counsel and defendant shall attend the pre-trial hearings. If the defendant does not appear for the pre-trial hearing, a warrant for the arrest of the defendant shall issue and the jury trial date will be stricken unless a written waiver of pre-trial hearing has been filed with the Court. If the Prosecutor fails to appear at pre-trial hearing, the Court may impose terms and other sanctions created by Court Rule and State law. Pre-trial hearing may be waived by filing a written stipulation signed by both parties which states there are no pretrial motions and the case will proceed to jury trial on the specified date.

A defendant may also waive the first pre-trial hearing by filing a written waiver and request to set the case over to the next regularly scheduled pre-trial or motion calendar. A written motion must be filed on any issues to be argued at the second or third pre-trial or motion calendar.

(b) Motions. Pre-Trial motions shall be made at the time of the pre-trial hearing. Motions shall not be considered at the time of trial unless they could not have been raised at the time of pre-trial hearing or the Judge at the time of the pre-trial hearing expressly continues such motions to the time of trial. Absent good cause, motions for dismissal or suppression of evidence in criminal cases shall be in writing and shall be provided to the Prosecutor or City Attorney at least 48 hours before the pre-trial hearing. Dispositions and bench trials will not be heard on the date set for jury trial. Lengthy motions or motions requiring witnesses to be subpoenaed will be specially set by the court.

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