RULE 3
TRIAL BY JURY/PRE-TRIAL CONFERENCE/READINESS HEARING

1) In every criminal case in which the defendant pleads not guilty, the Clerk shall set a date for a pre-trial conference. The purpose of said conference is for presentation of motions, completion of plea bargaining, and to set a trial date and readiness hearing. Discovery shall be provided to the party requesting same at least two (2) working days PRIOR TO said conference. Unless the pre-trial conference is continued to another date or the case is resolved at the hearing, the Clerk will set a jury trial and readiness hearing. If the right to jury trial is waived, however, the Clerk shall set a bench trial date and no readiness hearing is required.

2) If the defendant fails to appear at the pre-trial conference without good cause, forfeiture of bail will be ordered and the Court will order a bench warrant for the arrest of the defendant.

3) Within twenty-two (22) days prior to an assigned jury trial date there shall be held a readiness hearing. At such hearing, it shall be mandatory that the prosecuting authority, the defense counsel, and the defendant be present. At such hearing, the following matters will be concluded: 1) All plea bargaining, 2) Exchange of witness lists, 3) Providing of any discovery not previously exchanged at the pre-trial conference, and 4) Motions on legal issues arising subsequent to the pre-trial conference or on issues arising due to new evidence.

4) At the readiness hearing, the parties will notify the Court that they are ready or not ready for trial. If both parties state that they are ready for trial, the case will subsequently be tried by jury unless waived by the defendant, or concluded by a guilty plea, or a dismissal of the charge(s), except as provided in paragraphs (5), (6), and (7) below.

5) If, after the readiness hearing, the defendant decides to plead guilty, the plaintiff moves to dismiss, or if either party seeks a continuance of the trial date, the parties shall notify the other party and the Chief Clerk, or designee, no later than noon on the court day prior to the scheduled jury trial nor later than noon on the Friday before the scheduled jury trial if the defendant is in custody. The Chief Clerk shall then set the matter for a plea hearing or a motion hearing on the afternoon calendar on the court day prior to the scheduled jury trial date, or on the jail calendar for the same date if the Defendant is in custody.

6) A failure of the defendant to be present at the readiness hearing will result in the issuance of a bench warrant for failure to appear, forfeiture of bail, and the striking of the jury trial date.

7) Final Confirmation Required: After the readiness hearing, but no later than noon on the court day before the jury trial is scheduled to begin nor later than noon on the Friday before the jury trial is scheduled to begin if the defendant is in custody, both parties shall notify the Chief Clerk, or designee, that the case is ready to proceed to trial. If either party fails to confirm that the trial is ready to proceed by that time, the Chief Clerk, or designee, shall set the matter for a status conference on the afternoon calendar of the court day prior to the scheduled jury trial, or on the jail calendar for the same date if the defendant is in custody, and both parties shall appear for the status conference. If either party fails to appear for the status conference, the jury trial date shall be stricken and a bench warrant may be issued.

8) Any case confirmed for trial under paragraph (7) that does not proceed to trial may subject the culpable party/parties to such sanctions, including but not limited to, jury costs, witness fees and other terms, as deemed

appropriate by the Judge/Commissioner.

9) A bench warrant issued for failure to appear at a jury trial or status conference will not be quashed absent a clear and convincing showing of extraordinary circumstances that justify such a failure to appear.

10) If any attorney fails to appear for a scheduled conference, hearing, or trial, the Court may assess costs and/or sanctions against the attorney.

11) The requirements of this rule can be waived only by the Judge/Commissioner.

Amended Effective September 1, 2008