

TMCLR 3.1  
PRE-TRIAL HEARINGS

A. General: Unless otherwise ordered by the court in a specific case for good cause, all cases in which a defendant enters a plea of not guilty shall be set for a pre-trial hearing. The pre-trial hearing shall provide an opportunity for negotiation between the parties. The parties shall confer in good faith regarding any agreed disposition prior to trial. The defendant shall be required to attend the pre-trial hearing unless excused by the court. Failure to attend may result in the issuance of a bench warrant and/or forfeiture of any bond. In the event of a disposition, the parties shall execute the appropriate documents for the judge to consider the matter on the record. Pre-trial hearings should be held no later than 30 days after arraignment unless otherwise approved by the court.

B. Scheduling: The court shall assign dates and give written notice to the parties for future motion hearings and trial at the time of the pre-trial conference and shall, in so far as is reasonably possible, schedule those hearings in consultation with both parties. Other factors, such as witness availability, shall also be considered.

C. Motions: In cases which proceed to trial, the parties shall identify with specificity all motions and counsel may be required to articulate on the record the basis for any motion. All rulings made at the pre-trial hearing or subsequent motions hearing(s) shall be binding on the parties and shall not be relitigated at trial. Any motion not identified at pre-trial shall be deemed waived unless otherwise allowed by the court. Counsel shall identify only those motions for which there is a good faith belief that the motion is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law. Counsel shall comply with CrRLJ 3.6.

D. Readiness: A jury call/readiness hearing will be scheduled in all cases proceeding to jury unless specifically waived by the court in a particular case for good cause shown. This calendar will be held during the week approximately one week prior to the scheduled jury trial or as otherwise set by the court. The defendant shall be required to attend this hearing unless excused by the court. Failure to attend the jury call/readiness hearing may result in the issuance of a bench warrant and/or

forfeiture of bond. Both parties must have their witnesses present at the readiness hearing. This requirement does not apply to the reporting police officers, expert witnesses, or those specifically excused by the court. Absent a showing of good cause for their absence, witnesses who do not appear at the readiness calendar may be stricken from the witness list. A confirmation of readiness constitutes an assurance that the parties will be ready to begin jury selection immediately on the morning of trial and submit jury instructions at the call of the jury calendar.

